

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

In the Matter of the Termination of Electric)
Service where Life Support Equipment is) DOCKET NO. 08-035-47
Used: Joel M. Evans) REPORT AND ORDER
)

ISSUED: June 24, 2008

By The Commission:

This matter came on for hearing before the Commission's Administrative Law Judge on June 19, 2008. Petitioner Rocky Mountain Power was represented by Kurt Jensen. Respondent Joel M. Evans was not present. However, prior to the start of hearing, Respondent telephoned Commission staff and stated his medical condition would not permit him to attend. He requested staff inform the hearing that he is prepared to enter into a payment plan with Petitioner that he hopes can extend for twenty-four months in order to reduce his required monthly payment.

At hearing, Petitioner stated Respondent entered into a twelve-month payment plan in May 2008 whereby Respondent pays \$78.00 per month toward the past due balance on the account, plus Respondent's monthly billing based on actual usage.

Petitioner is now willing to offer Respondent a twenty-four month payment plan that would require Respondent to pay only \$42.00 per month toward the past due balance on the account, plus, at Respondent's option, either (1) a monthly equal time payment equal to Respondent's \$116.00 average monthly bill (resulting in a total payment of \$158.00 per month), or (2) Respondent's monthly billing based on actual usage. Petitioner also agrees to continue

waiving interest accrual on the account balance going forward. If Respondent chooses option (1) above, Respondent's monthly payment obligation may change during the life of the plan as Petitioner periodically adjusts Respondent's equal time payment amount based on Respondent's metered electricity use. The first payment under either payment plan option would be due with Respondent's regularly scheduled monthly payment due no later than July 1, 2008.

Petitioner will contact Respondent to offer these payment plan options, but, based on Respondent's payment history, Petitioner continues to seek authorization to terminate Respondent's service should Respondent fail to comply with the terms of the current payment plan, or any newly agreed plan, going forward. Petitioner understands Respondent may not be required to enter into the offered twenty-four month plan and may instead remain on the current twelve-month plan.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. Petitioner shall contact Respondent and offer the twenty-four month payment plans outlined above.
2. Respondent is directed to pursue assistance from the HEAT program, Red Cross, and other available assistance programs. If lump sum payments are made to Petitioner from any assistance program, these payments shall be applied to the then-outstanding arrearage and will not affect the monthly payment amounts agreed to in accordance with this Report and Order.

3. Petitioner agrees and is ordered to waive all interest accruing on Respondent's account going forward from the date of the agreement so long as Respondent continues to comply with all other terms of this Order.

4. If Respondent fails to make any scheduled payment pursuant to an agreed payment plan on or before the due date, Petitioner shall have the right to disconnect service to Respondent's residence in accordance with Petitioner's regulations and tariff provisions and the applicable rules and regulations of the Commission, without seeking further approval from the Commission, notwithstanding the fact that a resident at Respondent's residence may be using life-support equipment.

5. At least 48 hours prior to terminating said service, Petitioner shall notify the appropriate Utah State social services agencies of this Order and the pending termination.

6. Petitioner's authorization to disconnect service at Respondent's residence in accordance with this Order shall terminate upon Respondent's payment in full of all arrears on Respondent's account. Any further authorization to disconnect said service would require another order from this Commission.

Pursuant to *Utah Code Annotated* §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the

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Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of *Utah Code Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 24th day of June, 2008.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 24th day of June, 2008, as the Report and Order of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#57870