

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

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In the Matter of the Termination of Electric )  
Service where Life Support Equipment is ) DOCKET NO. 08-035-18  
Used: Mele Kendall ) REPORT AND ORDER  
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ISSUED: March 6, 2008

By The Commission:

This matter came on for hearing before the Commission's Administrative Law Judge on March 4, 2008. Petitioner Rocky Mountain Power was represented by Kurt Jensen and Stacey Davis. Respondent Mele Kendall appeared with her husband, Richard Kendall (together hereinafter jointly referred to as "Respondents"); both testified on their behalf.

At hearing, Petitioner stated it is willing to enter into a payment plan with Respondent to avoid termination of Respondent's electric service. Petitioner offers a twenty-four month payment plan requiring Respondent to pay \$36.00 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 \$141.00 average monthly bill (resulting in a total payment of \$177.00 per month), or (2) Respondent's monthly billing based on actual usage. Petitioner also agrees to waive interest accrual on the account balance going forward.

However, Respondents stated they have sold their residence and plan to voluntarily terminate their electric service as of the date of hearing.

Based on this information, the Administrative Law Judge informed Respondents that his proposed order for the Commission would authorize Petitioner to terminate electric

service to Respondent's residence if Respondents failed by March 11, 2008, to either voluntarily terminate their electric service or to agree to a payment plan as offered by Petitioner.

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. Respondent shall contact Petitioner not later than March 11, 2008, to request termination of electric service to their residence or to agree to a payment plan as offered by Petitioner.

2. If Respondent enters into a payment plan, 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. If Respondent enters into a payment agreement, 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 enter into a payment agreement with Petitioner, or fails to request termination of electric service, by March 11, 2008, 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

DOCKET NO. 08-035-18

-3-

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 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 6<sup>th</sup> day of March, 2008.

/s/ Steven F. Goodwill  
Administrative Law Judge

DOCKET NO. 08-035-18

-4-

Approved and Confirmed this 6<sup>th</sup> day of March, 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#56484