

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Termination of Electric)
Service where Life Support Equipment is) DOCKET NO. 08-035-66
Used: Mike R. and Shannon Phillips) REPORT AND ORDER

ISSUED: September 29, 2008

By The Commission:

THIS MATTER is before the Commission on the petitioner, Rocky Mountain Power's (RMP) petition to terminate service for Mike and Shannon Phillips. A hearing was held in this matter, before the Commission's Administrative Law Judge (ALJ), Ruben H. Arredondo, on September 24, 2008. RMP was represented by Stacey Davis and Mike and Shannon Phillips (Respondents) appeared *pro se*.

PROCEDURAL

At the hearing, RMP represented that it had not entered into a payment plan with the respondents but that it would be willing to offer one of two options for payment to the respondents. Both options were 24-month payment plans. Under the first plan, the respondents would pay \$84 per month towards their arrearage, and an additional \$88 per month equal-time payment towards their current usage, totaling a monthly payment amount of \$172. Payments would begin October 7, 2008, with succeeding payments due on or before the 7th of each month, and continuing for 24 months until the arrearage is satisfied. The second plan would allow the respondents to pay \$84 per month towards their arrearage. Respondents, however, would pay their current monthly balance—whatever it might be, as it came due.

Payments under this plan would also begin October 7, 2008, with succeeding payments due on or before the 7th of each month, and continuing for 24 months until the arrearage is satisfied. RMP stated that so long as the respondents agreed to one plan and kept current, it would waive interest on the arrearage.

RMP also renewed its request that should the respondent's fail to agree to a plan or comply prospectively with the terms of any payment plan, that it be authorized to terminate the respondent's service.

Respondents agreed to the first option, with a slight modification to which RMP stipulated. The parties agreed that the respondents, for the month of October 2008, would make only an \$84 payment towards the arrearage, and not be required to make the equal-time payment that month. Afterwards, the respondents would be required to make the \$172 monthly payment, as detailed above, until the arrearage is satisfied. Additionally, should the respondents receive any assistance from any public assistance programs, e.g. HEAT, Red Cross, etc., payments from those entities would be applied towards the respondents' arrearage.

Therefore, based upon the foregoing information, and for good cause appearing, the ALJ enters the following proposed ORDER:

1. The respondents shall pay to RMP, for the month of October 2008, the amount of \$84 towards their arrearage, on or before October 7, 2008.
2. Thereafter, the respondents shall pay to RMP, the amount of \$84 per month towards their arrearage, and an additional \$88 per month equal-time payment towards their

current usage, totaling a monthly payment amount of \$172. Payments shall be due on or before the 7th of each month, and continuing for 24 months until the arrearage is satisfied.

3. Respondents are directed to pursue assistance from any available public assistance programs, e.g. HEAT, Red Cross, etc. If payments are made to the respondents from any assistance program, these payments shall be applied to the then-outstanding arrearage and will not affect the monthly payment amounts ordered in this Report and Order.

4. RMP shall waive interest owing on the arrearage so long as the respondents abide by the terms of this Report and Order.

5. If the respondents fail to comply with the terms of the payment plan and this Report and Order, RMP shall have the right to disconnect services to respondents' residence in accordance with RMP's regulations and tariff provisions and the applicable rules and regulations of the Commission. RMP shall not be required to seek further approval from the Commission for termination of service, notwithstanding the fact that a resident at respondents' residence may be using life-support equipment. In the event of termination, at least 48 hours prior to terminating said service, RMP shall notify the appropriate Utah state social service agencies of this Order and pending termination.

6. Any person aggrieved by this Order may petition the Commission for review pursuant to the Utah Administrative Procedures Act, U.C.A. §§ 63-46b-1 *et seq.* Failure to do so will bar judicial review of the grounds not identified for review. U.C.A. § 54-7-15.

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DATED at Salt Lake City, Utah, this 29th day of September, 2008.

/s/ Ruben H. Arredondo
Administrative Law Judge

Approved and confirmed this 29th day of September, 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#59191