

- 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 Used: Chad Wilburn )  
 ) DOCKET NO. 11-035-229  
 ) ORDER AUTHORIZING TERMINATION  
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ISSUED: March 21, 2012

By The Commission:

BACKGROUND

On November 4, 2011, the Division of Public Utilities (“Division”) recommended the Commission issue an order authorizing termination of electric service to Chad Wilburn (“Mr. Wilburn”) in the above referenced docket. The Division’s recommendation was in response to Rocky Mountain Power’s, a division of PacifiCorp (the “Company”), request to terminate service to Mr. Wilburn due to nonpayment of a past due amount on his account. Mr. Wilburn submitted a written request for a hearing, and on January 26, 2012, a hearing was conducted before the Administrative Law Judge for the Commission. The hearing was duly noticed on January 11, 2012. See Notice of Hearing, issued January 11, 2012.

At the hearing, Mr. Wilburn attended, along with his wife, Erin Wilburn (“Mrs. Wilburn”). Barbara Ishimatsu appeared on behalf of the Company, and she was accompanied by Autumn Braithwaite. Mr. Wilburn expressed a number of reasons why he was unable to keep current on his electric bill. Mr. Wilburn mentioned various health issues that he and his wife are dealing with and that they are on a limited, Social Security income. Mr. Wilburn further explained that he is attending school to learn Braille and other techniques through the state’s rehabilitation program. He acknowledged that he owes approximately \$2,000 in overdue

electrical charges from the Company. Mr. Wilburn also expressed concern that lights to common areas were wired to his apartment and being billed to him, thus explaining the high electrical usage for which he is being billed.<sup>1</sup> The Company noted that Mr. Wilburn's medical certificate was expired and a new form was provided to him, but no dismissal was sought on that basis.

Mr. and Mrs. Wilburn both expressed that they would like to resolve this issue, but they were unable to pay the amount necessary to enter into a payment plan and they suggested an alternative arrangement. The Company in response expressed a willingness to engage in further discussions with Mr. Wilburn and proposed an alternative arrangement. Based on the foregoing, the Administrative Law Judge stayed the matter pending further discussions between the parties and confirmation from the Company due within a week of the hearing as to whether an acceptable resolution was reached. The ALJ explained that if an agreement is made, termination will not proceed; however, if the matter is not resolved, termination would be authorized.

Regarding Mr. Wilburn's concern about being billed for electrical services to common areas, the ALJ for the Commission suggested that while that issue is not before the Commission, Mr. & Mrs. Wilburn may want to contact the landlord, property owner, and perhaps the Division of Consumer Protection to resolve that issue. The Company also suggested Mr. Wilburn do the same, noting that doing so could bring Mr. Wilburn's bill within "his budgeted amount." Letter from Company, to Commission, dated February 3, 2012.

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<sup>1</sup> Mr. Wilburn also expressed this concern in his letter requesting a hearing. See Letter from Chad and Erin Wilburn, dated July 11, 2011.

On February 3, 2012, the Company filed a letter informing the Commission that the parties were working out the details of a payment arrangement. See id. The Company also mentioned that Mr. Wilburn had filed a new medical certificate, but that certificate did not establish Mr. Wilburn's continued qualification as a "life support" customer; thus, the Company noted, his eligibility as a "life support" customer expired on December 15, 2011. Id. Notwithstanding this defect, the Company stated that it was willing to move forward with the settlement discussed with Mr. Wilburn and that the Company would update the Commission no later than February 27, 2012, confirming whether a mutually agreeable payment plan had been entered. See id.

On February 27, 2012, the Company filed an update stating that "Mr. Wilburn did not enter into a payment plan with the Company for the remaining balance . . . as the parties had agreed." Letter from Company, to Commission, dated February 27, 2012. The letter further states: "Given that Mr. Wilburn did not comply with the settlement terms offered and has offered no explanation for his non-compliance, the Company hereby requests an order to disconnect[.]" Id.

In the interest of due process, the Commission allowed Mr. Wilburn ten (10) calendar days (or until March 9, 2012) to respond in writing to the Company's February 27, 2012 letter. See E-mail from Commission, to Parties (Feb. 28, 2012; 10:12 MST). Mr. Wilburn did not respond.

On March 12, 2012, the Commission notified the parties that no response had been received from Mr. Wilburn, and an update requested if the matter had been resolved. See E-mail from Commission, to Parties (March 12, 2012; 12:49 MST). Thereafter, the Company

notified the Commission that Mr. Wilburn had notified the Company on March 12, 2012 to request a payment plan but, since he was unable to make an adequate down payment, the Company requested the termination without further delay. See E-mail from Autumn Braithwaite, Regulatory Analyst, Rocky Mountain Power, to Commission (March 12, 2012; 4:56 MST). Mr. Wilburn did not respond.

ORDER

The Company is authorized to terminate the utility service of Chad Wilburn. At least 48 hours before terminating said service, the Company shall notify the appropriate Utah state social services agencies of the Order and the pending termination. Mr. Wilburn is advised that because he no longer qualifies as a “life support” customer because his medical certificate expired in December 2011, he will not necessarily be afforded the protections granted in this docket should a future termination be sought by the Company. If Mr. Wilburn believes he should be afforded protections granted to “life support” customers, he should ensure that a medical form establishing his eligibility as such a customer is on file and kept current with the Company.

This order is effective the date of its issuance.

DATED at Salt Lake City, Utah, this 21<sup>st</sup> day of March, 2012.

/s/ Melanie A. Reif  
Administrative Law Judge

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Approved and confirmed this 21<sup>st</sup> day of March, 2012, as the Order Authorizing Termination of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary  
D#219315

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order 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 Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21<sup>st</sup> day of March, 2012, a true and correct copy of the foregoing was served upon the following as indicated below:

By E-Mail and U.S. Mail:

Mr. Chad Wilburn ([chad\\_wilburn@yahoo.com](mailto:chad_wilburn@yahoo.com))  
4017 S. Highway 89, Apt. 2  
Bountiful, UT 84010-8544

By E-Mail:

Rocky Mountain Power  
Attention: Barbara Ishimatsu ([Barbara.Ishimatsu@pacificorp.com](mailto:Barbara.Ishimatsu@pacificorp.com))  
Autumn Braithwaite ([Autumn.Braithwaite@pacificorp.com](mailto:Autumn.Braithwaite@pacificorp.com))  
201 South Main Street, Ste. 2300  
Salt Lake City, UT 84111

By Hand-Delivery:

Division of Public Utilities  
160 East 300 South, 4th Floor  
Salt Lake City, Utah 84111

Office of Consumer Services  
160 East 300 South, 2nd Floor  
Salt Lake City, Utah 84111

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Administrative Assistant