

- 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: Carla E. Smith )

DOCKET NO. 11-035-201

ORDER AUTHORIZING TERMINATION

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ISSUED: April 12, 2012

By The Commission:

BACKGROUND

On October 19, 2011, the Division of Public Utilities (“Division”) recommended the Commission issue an order authorizing termination of electric service to Carla E. Smith (“Ms. Smith”) 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 Ms. Smith due to nonpayment of a past due amount on her account.

The documents accompanying the Division’s recommendation indicate that Ms. Smith resides on Indian territory. More specifically, Ms. Smith reportedly resides on an Indian reservation in Montezuma Creek, Utah. See Exhibit B “APS Study” attached to Division Recommendation. Because Ms. Smith resides on sovereign land the Commission requested additional information from the Company supporting the Commission’s authority to authorize the termination of service requested. See Order Requiring Further Briefing, issued January 25, 2012. The Commission originally requested a briefing due date of February 14, 2012, see id., and then that date was extended to March 29, 2011 at the request of both the Company and the Division. See Order Extending Time for Briefing, issued February 24, 2012, and Order Extending Time for Briefing, issued March 20, 2012.

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On March 29, 2012, the Company and the Division filed briefs on the issue of the Commission's jurisdiction to authorize the termination of service requested. See Memorandum Supporting the Commission's Authority to Authorize the Termination of Service Under R746-200-7 within Navajo Nation, filed March 29, 2012, and Utah Division of Public Utilities' Brief Addressing Jurisdiction, filed March 29, 2012. Ms. Smith filed no response and did not request a hearing in this matter.

Based on the briefs referenced above, the Commission determines that subject matter jurisdiction is proper and, accordingly, grants the termination requested.

ORDER

The Company is authorized to terminate the utility service of Carla E. Smith. 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.

This order is effective the date of its issuance.

DATED at Salt Lake City, Utah, this 12<sup>th</sup> day of April, 2012.

/s/ Melanie A. Reif  
Administrative Law Judge

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Approved and confirmed this 12<sup>th</sup> day of April, 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#221993

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 12<sup>th</sup> day of April, 2012, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

Ms. Carla E. Smith  
PO Box 274  
Montezuma Creek, UT 84534-0274

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