

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE COMPLAINT OF) CASE NO. INT-G-19-03
RAUL MENDEZ AGAINST)
INTERMOUNTAIN GAS COMPANY)
_____) **ORDER NO. 34403**

This matter comes before the Commission on Complainant Raul Mendez’s August 8, 2019 notice that he is dismissing his appeal of Commission Order Nos. 34336 and 34371 (the “Notice of Withdrawal”). Having reviewed the record, the Commission accepts Mr. Mendez’s Notice of Withdrawal of his appeal, effective immediately. The Commission’s decision is explained below.

BACKGROUND

On January 25, 2019, Mr. Mendez formally complained to the Commission that Intermountain Gas Company (“Intermountain Gas” or “Company”) had wrongly applied a \$14.00 Account Initiation Charge to his account, improperly manipulated his bills, and violated the Fair Debt Collection Practices Act. Mr. Mendez also alleged Commission Staff had violated his right to Due Process during the informal complaint process that preceded Mr. Mendez filing his formal complaint (collectively, the “Complaint”).

On May 23, 2019, the Commission denied the Complaint on all counts. Order No. 34336. Mr. Mendez then filed a Petition for Reconsideration, which the Commission also denied. Order No. 34371.

On July 23, 2019, Mr. Mendez filed with the Commission a Petition for Fee Waiver and a Notice of Appeal. In his Petition for Fee Waiver, Mr. Mendez asked the Commission to waive: (1) the fee for the Commission to compile the agency record; and (2) the fee that Mr. Mendez must pay to the Idaho Supreme Court to file his appeal.

The Commission considered Mr. Mendez’s Petition for Fee Waiver during its July 30, 2019 open meeting. Since the Commission has no rules specifying what criteria the Commission should use to analyze a fee waiver request, the Commission decided to analyze Mr. Mendez’s fee waiver request using the criteria in *Idaho Code* § 31-3220 as a guide. The Commission thus asked Mr. Mendez to complete a form that is similar to the form the Ada County district court uses to assess fee-waiver requests (the “Motion and Affidavit for Fee Waiver” form).

On August 2, 2019, Mr. Mendez filed a completed Motion and Affidavit for Fee Waiver. However, on August 8, 2019, Mr. Mendez emailed a Notice of Withdrawal to the Commission Secretary, counsel for Intermountain Gas, and counsel for the Commission. Among other things, Mr. Mendez stated, “I’ve filed a Notice of Appeal and a petition for fee waiver for this case. I’m not sure what the status of it is but I hope that it has not been filed with the Idaho Supreme Court yet. I will have to dismiss this appeal and proceed with litigation.”

On August 8, 2019, the Commission Secretary replied to Mr. Mendez stating, “Thank you for notifying us that you would like to dismiss your appeal. I will file your email in the underlying case, INT-G-19-03. The Commissioners will discuss your notice of withdrawal at the next Decision Meeting on Tuesday, August 13, 2019.”

On August 9, 2019, Mr. Mendez responded to the Commission Secretary and said “OK.” He also stated additional information he would like included in the case file.

On August 13, 2019, the Commission discussed on the record Mr. Mendez’s August 8, 2019 Notice of Withdrawal at its regularly scheduled decision meeting.

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over this matter under Title 61 of Idaho Code including *Idaho Code* §§ 61-502, 61-503, 61-507, 61-520, and 61-612. Having reviewed the record, including Mr. Mendez’s Notice of Withdrawal, the Commission finds it reasonable to accept the Notice of Withdrawal, effective immediately. Mr. Mendez clearly stated that he did not want the administrative record prepared and delivered to the Idaho Supreme Court. Mr. Mendez also clearly stated his desire to dismiss this appeal. The Commission thus finds it appropriate to accept Mr. Mendez’s Notice of Withdrawal of his appeal, effective immediately, and to direct the Commission Secretary to cease preparing the administrative record and to not forward Mr. Mendez’s Notice of Appeal to the Idaho Supreme Court. The Commission also finds that Mr. Mendez’s Notice of Withdrawal of his appeal and this decision render Mr. Mendez’s Petition for Fee Waiver moot.

ORDER

IT IS HEREBY ORDERED that Mr. Mendez's Notice of Withdrawal is accepted, effective immediately. Mr. Mendez's Petition for Fee Waiver is moot, the administrative record in this case shall not be prepared, and a Notice of Appeal shall not be forwarded to the Idaho Supreme Court.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code § 61-626.*

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this *13th* day of August 2019.



PAUL KJELLANDER, PRESIDENT

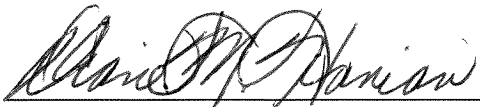


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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