INTERMOUNTAIN GAS COMPANY’S
ANSWER TO RAUL MENDEZ’S
PETITION FOR RECONSIDERATION

INTRODUCTION

In January 2019, Mr. Mendez filed a formal complaint (“Complaint”) asserting, among other things, that Intermountain Gas had wrongly applied a $14.00 Account Initiation Charge to his account. Mr. Mendez also argued that the Company had manipulated his bills, violated the Fair Debt Collection Practices Act, and that Staff had violated his due process rights.

Intermountain Gas and Commission Staff responded to the Complaint with evidence and legal argument. The Commission considered the parties’ legal argument, reviewed the evidence before it, and issued an Order denying the Complaint. See Order No. 43336 (May 23, 2019).
Mr. Mendez now asserts that he was “denied the opportunity to conduct discovery during the formal complaint proceedings and in the process his constitutional right to Due Process has been violated.” Petition at 2. Mr. Mendez also argues that the Commission’s Order was not based on substantial evidence. Id. at 3 (“There was nothing during the formal complaint proceedings that would suggest that the Commission final order was based upon substantial evidence.”).

ARGUMENT

1. Mr. Mendez did not request discovery, though he acknowledges that discovery was available.

Mr. Mendez argues that he was “denied the opportunity to conduct discovery during the formal complaint proceedings.” Petition at 2. Yet he also asserts that “all parties to a proceeding have a right of discovery of all other parties per IDAPA 31.01.01.222.” Petition at 1.

Mr. Mendez did not request discovery from the parties or from the Commission during this proceeding. Nor did he assert that discovery was necessary to resolve his formal complaint. Having never requested discovery, or asserted that discovery was necessary, Mr. Mendez was never denied a right to discovery. He never asserted one.

In addition, Mr. Mendez does not identify how discovery would have altered the proceedings. Mr. Mendez argues that discovery would reveal billing statements, and the application process for customers. Petition at 3-4. But Mr. Mendez has access to his own billing statements. Discovery on that issue is not necessary. While Mr. Mendez notes that the Company provided a summary rather than billing statements, he does not identify any inaccuracies. Mr. Mendez asserts or implies that there is some body of documents that would have altered the outcome of the proceeding. However, the proceeding involved straightforward application of the Company’s tariffs and Commission’s regulations. Discovery, while available, would not have changed the outcome.
Mr. Mendez also asserts that, in discovery, he would have obtained orders the Commission cited in its Order. Petition at 4 ("The Commission makes mention of some previous Orders, however, people have to guess what they are since none have been provided during these proceedings and most certainly, there is no reference on where to find them."). However, Mr. Mendez never requested the relevant Orders, which are public documents available upon request and on the Commission’s website.

In short, Mr. Mendez did not attempt to engage in discovery, or otherwise avail himself to available means of gathering evidence, and he has not identified how discovery would have changed the outcome. The Company respectfully submits that Mr. Mendez’s due process rights were fully respected in this proceeding. Reconsideration is not warranted.

2. The Commission’s Order was based on substantial evidence.

Mr. Mendez argues that the Order was not based on substantial evidence. Petition at 4 ("The records shows that the Commission made a Final Order on 5/23/2019 that is not based upon substantial facts and evidence, since no discovery has taken place that would resolve the issues in question.").

Not so. The Commission’s Order identified and discussed the evidence before it. It identified and discussed the relevant rules in light of prior orders. The Order is, indeed, based on the evidence in the record and on prior decisions. Mr. Mendez’s argument does not support reconsideration.

3. The Commission should deny reconsideration.

Mr. Mendez was provided a full and fair opportunity to develop and present his case. The Commission carefully considered the evidence before it, and the relevant rules, orders, and policy considerations. Intermountain Gas respectfully submits that the Commission should deny Mr. Mendez’s Petition.
Dated: June 18, 2019.

Respectfully submitted,

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Preston N. Carter  
Givens Pursley, LLP  
Attorney for Intermountain Gas Company
CERTIFICATE OF DELIVERY

I certify that on June 18, 2019, I caused to be served a true and correct copy of INTERMOUNTAIN GAS COMPANY’S ANSWER TO RAUL MENDEZ’S PETITION FOR RECONSIDERATION upon the following individuals in the manner indicated below:

**Hand Delivery:** (original & 7 copies)

Diane Hanian  
Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington Street  
Boise, ID 83702

**Mail Delivery:**

Raul Mendez  
Complainant  
2712 N. Goldeneye Way  
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[Signature]

Preston N. Carter