



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION  
621 Woodland Square Loop S.E. • Lacey, Washington 98503  
P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • TTY 1-800-833-6384 or 711

July 6, 2022

**SECOND NOTICE DECLINING TO INITIATE ADJUDICATIVE PROCEEDING**

RE: *In re Formal Complaint of Gabriel Gamez*, Docket UE-220349

TO ALL PARTIES:

On May 19, 2022, Gabriel Gamez filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint (Complaint) against Avista Corporation d/b/a Avista Utilities (Avista or Company). Gamez alleges that he applied for service from Avista for his private home but argues that he is not a “person” or a “customer” who is eligible to be charged for service by Avista. Gamez alleges that Avista’s charges are “far from just, fair, or reasonable.”

In his Complaint, Gamez requests that the Commission advise Avista on how to provide Gamez service on a permanent basis “in divine providence.” Gamez argues that Avista should deem his customer bills paid by government appropriation, that Avista should refund Gamez \$67.62 for previously paid bills, and that the Commission should investigate Avista’s debt collection practices

On June 9, 2022, the Commission issued a Notice Declining to Initiate Adjudicative Proceeding (Notice). The Notice found that Gamez’s Complaint “does not clearly set forth the grounds for his formal complaint, the basis for the Commission’s jurisdiction, or the Commission’s authority to grant the relief requested.” The Complaint argued, among other points, that Gamez did not meet the legal definition of a “person” and that Avista was required to provide him services because these services were paid by a government trust. However, the Notice found that “vague and confusing allegations fail to establish the Commission’s jurisdiction and authority to grant the requested relief.” To the limited extent Gamez raised issues within the Commission’s jurisdiction, the Notice observed that did not clearly set forth the grounds for his allegations or allege sufficient facts to establish his right to relief.

On June 28, 2022, Gamez emailed the Commissioners and various Commission employees, seeking to amend his formal complaint (Motion). Gamez again argues that as a “private man” he does not meet the legal definition of a “person” who may be charged for electric services. He notes that he has no means to pay Avista for electric service and that electric service is a necessity.

In his Motion, Gamez notes that RCW 80.04.160 gives the Commission rulemaking authority. He also cites to other statutes in RCW Title 80 which describe the Commission’s jurisdiction. He cites to RCW 80.28.080, which allows utilities to provide reduced rates to the indigent and other individuals. Gamez also cites to the Commission’s exemption standard in WAC 480-07-110 and the Religious Freedom Restoration Act.

Pursuant to WAC 480-07-395(5), the Commission may allow amendments to pleadings to arrive at fair and just results. Because the Commission construes pleadings liberally, particularly pleadings from a pro se individual, the Commission exercises its discretion to grant Gamez’s Motion to amend his Complaint.

Although Gamez did not properly file his Motion with the Commission, it is consistent with the public interest to grant Gamez a one-time exemption from the Commission’s filing requirements set forth in WAC 480-07-140.<sup>4</sup> Gamez is proceeding pro se, and he may have overlooked the Commission’s filing requirements on this occasion.

The Amended Complaint nevertheless suffers from the same infirmities as Gamez’s original complaint. The Amended Complaint does not clearly set forth the grounds for a formal complaint, the basis for the Commission’s jurisdiction, or the Commission’s authority to grant the relief requested. Gamez’s legal theory that he does not meet the definition of a “person” who may be charged for electric services remains internally contradictory, vague, and unclear because Gamez again appears to admit that he is an individual living within Avista’s service territory. Gamez thus does not allege sufficient facts upon which relief may be granted.

Although Gamez cites to various statutes and rules, he does not sufficiently explain how they support his claim for relief. It is unclear how the Religious Freedom Restoration Act, or the other authorities Gamez cites, entitle him to any relief or establish the Commission’s jurisdiction over his claims.

Gamez claim that he cannot afford to pay for electric services from Avista does not support a formal complaint and an adjudicative proceeding before the Commission. Gamez should, however, contact Avista regarding its low-income customer programs.

---

<sup>4</sup> Pursuant to WAC 480-07-110, the Commission may, in response to a request or on its own motion, grant an exemption from its own rules when “consistent with the public interest, the purposes underlying regulation, and applicable statutes.”

The Commission has now declined to initiate an adjudication of Gamez's complaint on two occasions. The Commission has granted Gamez's Motion, and it has granted Gamez a one-time exemption from the Commission's filing requirements. If Gamez continues to raise the same arguments, he will not receive the same favorable treatment. In the future, Gamez's filings will be rejected if they fail to meet the standards set out in Commission rules.

*/s/ Rayne Pearson*

RAYNE PEARSON

Director, Administrative Law Division