

Hello, my name is Gabriel Gamez, and I was informed that the way I filed this following amendment initially (via emailing it to consumer@utc.wa.gov) was inadequate. I apologize sincerely for my mistake. To keep the record accurate, I am including this brief cover letter to humbly request it be added to the relevant case docket: DOCKET UE-220349, preferably in the order of filing it was supposed to be.

Thank you.

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DOCKET UE-220349

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION.

Amendment in the matter of the Notice of Bill Dispute of Gabriel Gamez for Providence.

Greetings Rayne,

I again come in peace as a private, religious man. Thank you for your response to my formal complaint. In your response you state that I didn't "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." I apologize for my lack of clarity, and I'll do my best to be concise.

(1) The grounds for my formal complaint

The Revised Codes of Washington and Washington Administrative Code explain clearly in their own definitions that "persons" using the service for business purposes, like a grocery store, are who is supposed to be charged under the tariffs. However, as a private man using the service not-for-profit, I am being charged under the same tariffs.

My notice of dispute sent to Avista clarifying I have no means to pay is reasonable notice, and to be left without service from the only public utility providing electricity service in the area where I live (unnatural monopoly) because I have no means to pay for it would be far from just, fair, or reasonable!¹ To be without access to these services, these necessities of life², would leave anyone destitute and indigent, and I'm no different.

(2) The basis of the Commission's jurisdiction

As stated in my initial formal complaint, RCW 80.28.010, the section which lists the duties of utility companies states, none dictate that all service provided by these companies must be charged for.

¹ Pg 1, ¶ 1 of Rayne's response to the original complaint

² Pg 4, ¶ 17 of the initial formal complaint

Avista Corporation, doing business as Avista Utilities (hereinafter “Avista”), is regulated by the Washington Utility and Transportation Commission (hereinafter “Commission”), as evidenced by Section 2 of Schedule 70 of Avista’s tariff WN U-28, stating “The rules regulating electric service, prescribed by the Washington Utilities and Transportation Commission, herein called the Commission, are hereby adopted and by this reference are made a part of this tariff.”

RCW 80.04.160 asserts, “The commission is hereby authorized and empowered to adopt, promulgate and issue rules and regulations covering ... the **furnishing and supply of ... electricity... and any and all services** concerning the same, or connected therewith; and generally such rules as pertain to the comfort and convenience **of the public** concerning the subjects treated of in this title.”

Additionally, Section 3 of the Religious Freedom Restoration Act states that “Government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability.”

(3) The Commission’s authority to grant the relief requested.

According to 80.28.080, the section listing exceptions for published rates to be charged, there are exceptions for some such as hospitals, those engaged in charity work, and the indigent and destitute. In other words, those not engaged in for-profit enterprise. This section also clarifies that any gas, electrical, wastewater, or water company may furnish free service. Then, pursuant to RCW 80.28.110, service shall be furnished upon reasonable notice.

Pursuant to Avista’s own Articles of Incorporation, one of the many objects and purposes for which the corporation was formed is to furnish electric energy, “for any purposes whatsoever.”

RCW 80.01.040 dictates that the utilities and transportation commission can advise Avista to offer free service, as they regulate “in the **public interest**, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation.”

RCW 80.28.040 (1) declares, and 80.28.020 mirrors, that whenever the commission finds that any rules, regulations, **practices**, acts or services of any regulated company are **unjust, unreasonable**, improper, insufficient, **the commission shall fix** the same by order or rule.

WAC 480-07-110 (c) states “The commission uses the **public interest standard** to determine whether to grant an exemption from, or modification to, a commission rule. Factors the commission may consider in making this determination include whether the rule imposes an **undue hardship** on the requesting person of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the

effect of applying the rule to the requesting person would be contrary to the underlying purposes of the rule and the public interest.”

Avista has a “duty to serve” in the interest of the public and “must, to the extent of that interest, submit to be controlled by the public, for the common good” because of the protected monopoly status they enjoy by being “insulated from competition”, according to the United States Supreme Court. The Court ruled that: “There is no doubt that the general principle is favored, both in law and justice, that every man may fix what price he pleases upon his own property, or the use of it, but if for a particular purpose the public have a right to resort to his premises and make use of them, and he have a monopoly in them for that purpose, if he will take the benefit of that monopoly, he must, as an equivalent, perform the duty attached to it on reasonable terms.” (Munn v. Illinois, 94 U.S. 113 (1876)). In short, in a regulated industry, a duty to serve infers a right to be served.

(4) Right to a refund

Pursuant to RCW 80.28.080, since there are exceptions to the rates charged for those not engaged in profit, and as I am not the party to be charged in the first place, unless what I paid was considered a “voluntary donation for the purposes of supporting the development and implementation of evergreen community management plans and ordinances under RCW [80.28.300](#)” pursuant to RCW 80.28.010, I see no other logical or lawful conclusion than that I am entitled to a refund.

In summary, as every electrical company shall furnish free service as shall be safe and adequate to the indigent and destitute upon reasonable notice, it would be inadequate, inefficient, unjust and unreasonable to do anything but reimburse me for what I’ve given, and instruct Avista on how to provide their service free of charge so that I, and hopefully many others, may receive in divine providence.

Revelation 21:5 — And He that sat upon the throne said, Behold, I make all things new. And He said unto me, Write: for these words are true and faithful. [Cf. 28 U.S.C. 1746]

Gabriel Gamez

On the twenty-eighth day of the sixth month, two thousand twenty-two A.D.