

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

DAVID STANZAK, ON BEHALF OF THE ESTATE OF DOREEN L. HODIN,  Complainant,  v.  AVISTA CORPORATION, d/b/a AVISTA UTILITIES,  Respondent.	DOCKET UE-170917  ORDER 01  INITIAL ORDER DISMISSING FORMAL COMPLAINT AS MOOT
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**BACKGROUND**

- 1 On August 24, 2017, Mr. David Stanzak filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint on behalf of the Estate of Doreen L. Hodin (Complaint) against Avista Corporation, d/b/a Avista Utilities (Avista or Company). Avista filed its Answer to the Complaint (Answer) on September 18, 2017.
- 2 The Commission convened a telephonic evidentiary hearing before Administrative Law Judge Marguerite E. Friedlander on February 20, 2018. At the hearing, Mr. Stanzak provided testimony of his position which expounded upon the information in his Complaint. The Company provided the testimony of two Avista employees, Linda Gervais and Shawn Bonfield.
- 3 Mr. Stanzak, *pro se*, Cheney, Washington, represents the Estate of Doreen L. Hodin. David Meyer, Vice President and Chief Counsel for Regulatory and Governmental Affairs, Spokane, Washington, represents Avista.

**MEMORANDUM**

- 4 **Mr. Stanzak's Complaint.** On May 24, 2017, Mr. Stanzak contacted Avista and requested that the Company restore power to a residence in Spokane Valley, WA.<sup>1</sup> Mr. Stanzak was acting as the manager of the estate of Doreen L. Hodin, after having been appointed by the Spokane County Superior Court, and the residence in Spokane Valley was Ms. Hodin's property.<sup>2</sup> At that point, the electrical service had been shut off for more

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<sup>1</sup> Mr. Stanzak's Complaint at 1.

<sup>2</sup> *Id.*

**Pursuant to RCW 80.01.060(3)  
This packet is the final order  
In this docket.**

than 12 months.<sup>3</sup> Mr. Stanzak states that Avista told him that he “was required by law to obtain a Washington State Department of Labor & Industries (L&I) inspection before the power (or the gas) would be reconnected.”<sup>4</sup> He contends that, when he questioned the Company about this requirement, an Avista employee indicated that it was the Company’s own policy.<sup>5</sup>

5 Mr. Stanzak argues that, while WAC 480-100-123(2)(b) does allow Avista to refuse to restore service if a customer’s wiring or electrical equipment is considered hazardous, the Company first would have to inspect the property themselves to discover any “hazards.”<sup>6</sup> According to Mr. Stanzak, there is no evidence of a hazard on the property, and Avista “is abusing power by deciding to unilaterally deny service to customers that have been without power for 12 months or more.”<sup>7</sup> As a remedy, Mr. Stanzak requests that the Commission order the Company to turn the power on at this location.<sup>8</sup>

6 **Avista’s Answer.** Avista states that the power to this residence has been turned off since September 15, 2015.<sup>9</sup> With more than two years having passed, the Company asserts that it is concerned about the status of the electrical wiring and whether there has been copper theft, meter tampering, stripped breaker panels, et cetera.<sup>10</sup> Avista maintains that WAC 480-100-123 authorizes the Company to refuse service if, “in the utility’s reasonable judgment,” a residence “is considered hazardous or [of] such a nature that safe and satisfactory service cannot be provided.”<sup>11</sup> It is, Avista explains, the Company’s reasonable judgment that it is not safe to reconnect power to a location where the power has been shut off for 12 months or longer absent an electrical inspection.<sup>12</sup>

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<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 3.

<sup>8</sup> *Id.* Mr. Stanzak also suggested that we “slap Avista around a bit.” As hyperbole, we will not address this request.

<sup>9</sup> Avista’s Answer, ¶ 5.

<sup>10</sup> *Id.*, ¶ 13.

<sup>11</sup> *Id.*, ¶ 10 (quoting WAC 480-100-123(2)(b)) (underlining omitted).

<sup>12</sup> *Id.*

7 Avista has offered to reimburse Mr. Stanzak for the cost of the electrical inspection, yet,  
the Company contends, Mr. Stanzak has refused its offer.<sup>13</sup> The Company requests that  
the Commission dismiss Mr. Stanzak’s Complaint.<sup>14</sup>

8 **Hearing.** On February 20, 2018, the Commission held a hearing in this matter. At the  
hearing, Avista indicated that electric service had already been restored to the home. Mr.  
Stanzak did not contest this point.

9 In a response to Bench Request No. 1, issued by the Commission on February 21, 2018,  
Mr. Stanzak acknowledged that electric power had been restored to the property in  
October 2017, after the new owner of the property, Myira, LLC, paid for an inspection.<sup>15</sup>  
Mr. Stanzak admitted that he is the governing manager of Myira, LLC.<sup>16</sup>

10 **Discussion and decision.** Mr. Stanzak’s only requested remedy in his Complaint was for  
the Commission to direct Avista to restore power to the residence in question. As the  
Company has already done so, several months ago in fact, the matter in dispute has been  
resolved. Mr. Stanzak’s remedial request is now moot. Based on the above, we find that  
Mr. Stanzak’s Complaint should be dismissed.

### FINDINGS AND CONCLUSIONS

11 (1) The Washington Utilities and Transportation Commission (Commission) is an  
agency of the State of Washington vested by statute with authority to regulate  
rates, rules, regulations, practices, and accounts of public service companies,  
including electric and natural gas companies.

12 (2) Avista Corporation, d/b/a Avista Utilities (Avista or Company) is a “public  
service company,” an “electric company,” and a “natural gas company” as those  
terms are defined in RCW 80.04.010 and used in Title 80 RCW. Avista provides  
electric and natural gas utility service to customers in Washington.

13 (3) The Commission has jurisdiction over the subject matter of, and the parties to,  
this proceeding.

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<sup>13</sup> *Id.*, ¶ 26.

<sup>14</sup> *Id.*

<sup>15</sup> Mr. Stanzak’s Response to Bench Request No. 1 (February 21, 2018). L&I performed the  
inspection on October 18, 2017.

<sup>16</sup> *Id.*

- 14 (4) David Stanzak filed a formal complaint (Complaint) on behalf of the Estate of Doreen L. Hodin alleging that Avista had unlawfully failed to restore service to a residence in Spokane Valley, WA. Mr. Stanzak's sole request was for the Commission to direct Avista to restore power to the residence.
- 15 (5) Avista argued that the residence had been vacated and without power for over 12 months, and an electrical inspection would need to be completed prior to restoring power to the residence.
- 16 (6) On February 21, 2018, Mr. Stanzak informed the Company restored power to the residence in October 2017.
- 17 (7) The matter in dispute has been resolved, and the request by Mr. Stanzak is now moot.
- 18 (8) The Complaint should be dismissed.

**ORDER**

THE COMMISSION ORDERS:

- 19 (1) The Formal Complaint filed by David Stanzak on behalf of the Estate of Doreen L. Hodin against Avista Corporation, d/b/a Avista Utilities is dismissed.
- 20 (2) The Commission retains jurisdiction over the subject matter and the parties to this proceeding to effectuate the terms of this Order.

DATED at Olympia, Washington, and effective February 23, 2018.

MARGUERITE E. FRIEDLANDER  
Administrative Law Judge

### NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-610(7) provides that any party to this proceeding has twenty-one (21) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-610(7)(b). WAC 480-07-610(7)(c) states that any party may file a *Response* to a Petition for review within seven (7) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).