



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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June 9, 2022

NOTICE DECLINING TO INITIATE ADJUDICATIVE PROCEEDING

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

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,¹ but argues that he is not a “person” or a “customer” who is eligible to be charged for service by Avista.² Gamez alleges that Avista’s charges are “far from just, fair, or reasonable.”³

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.⁴

The Administrative Procedure Act and Commission rules authorize the Commission to “commence an adjudicative proceeding at any time with respect to any matter within its jurisdiction and within the scope of its authority.”⁵ “A person involved in an actual case or controversy subject to the commission’s jurisdiction may apply to the commission for an adjudicative proceeding by filing the appropriate form of pleading.”⁶ A formal complaint is one

¹ Complaint at 1 ¶ (2)(1).

² *Id.* at 4 ¶ 16.

³ *Id.* at 6 ¶ 7.

⁴ *Id.* at 7 ¶¶ 1-4.

⁵ WAC 480-07-305(1); accord RCW 34.05.413(1).

⁶ WAC 480-07-305(2).

such pleading.⁷ Within 90 days the Commission either must commence an adjudicative proceeding or decide not to conduct such a proceeding and explain its reasoning.⁸

We deny Gamez's request for an adjudication because 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. A formal complaint "must clearly and concisely set forth the grounds for the formal complaint, the relief requested, and the commission's jurisdiction to commence an adjudication and grant the requested relief."⁹ The Commission will not commence an adjudication if the petitioner "fails to establish the Commission's jurisdiction or the authority to grant the requested relief."¹⁰

While Gamez admits that he is a private individual who received services from Avista at his residence, Gamez's Complaint advances a theory that Avista cannot bill Gamez for services because he does not meet the legal definitions of "person," he is not a "customer," and he does not reside in either Washington or the United States of America. The Complaint also asserts that Avista should be required to provide electricity to Gamez permanently and without charge, as Gamez alleges that these services are paid by government funds or are owed to him through "divine providence."

Gamez also attaches various documents of unclear significance or provenance to the Complaint. For instance, he attaches a document claiming to show that the U.S. Department of Defense has financed \$14,000,000,000,000,000 for real estate, which is described as "all real -men [sic] with hands and legs, and all real land, in the United States of America." It is unclear how these documents relate to the allegations in the Complaint, establish the Commission's jurisdiction over Gamez's claims, or establish that Gamez is entitled to relief.

Even though the Commission liberally construes pleadings, it is not apparent that the Complaint states any claim upon which relief may be granted. The Complaint's vague and confusing allegations fail to establish the Commission's jurisdiction and authority to grant the requested relief.

To the limited extent that Gamez raises issues that normally fall within the Commission's jurisdiction, Gamez does not clearly set forth the grounds for his formal complaint. Nor does Gamez clearly set forth the grounds for his allegation that Avista's charges are not fair, just, or reasonable. Gamez also fails to allege sufficient facts to establish his right to a refund. Finally,

⁷ WAC 480-07-305(3)(a).

⁸ WAC 480-07-305(5).

⁹ WAC 480-07-370(1)(b).

¹⁰ *In the Matter of the Petition of NW Energy Coalition, et.al.*, Docket UE-210241 Order 01 (June 8, 2021) (citing WAC 480-07-370(3)(b); WAC 480-07-305(5)(b)(i)).

Gamez does not clearly set forth the grounds for his request for an investigation into Avista's debt collection practices. For these reasons, the Commission denies Gamez's request to initiate an adjudication.

Dated at Lacey, Washington, and effective June 9, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson

RAYNE PEARSON

Director, Administrative Law Division