

Decision No. C24-0244

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23F-0170EG

PAUL HILTON,

COMPLAINANT,

V.

BLACK HILLS ENERGY,

RESPONDENT.

**COMMISSION DECISION DENYING APPLICATION FOR
REHEARING, REARGUMENT OR RECONSIDERATION**

Mailed Date: April 19, 2024

Adopted Date: April 10, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for a second application for Rehearing, Reargument or Reconsideration (RRR) of Commission Decision No. C24-0034 filed on March 28, 2024.

2. As discussed below, the Commission, upon considering the RRR filed by *pro se* Complainant, Mr. Paul Hilton (Complainant or Mr. Hilton), offers no new argument to reexamine our decision which denied his first arguments on RRR. We therefore deny the Complainant's RRR.

B. Background

3. In Recommended Decision R23-0722 issued on October 24, 2023, the Administrative Law Judge (ALJ) found that Complainant failed to meet his burden of proof regarding the allegations made in the Complaint. Therefore, the ALJ dismissed the Complaint.

4. The ALJ found and concluded Complainant failed to meet his burden of proof with respect to each of the actionable allegations advanced by Complainant in this Proceeding. Specifically, the ALJ determined the record in this Proceeding reflects that: gas had been regularly consumed at Complainant's home; no gas leaks were detected at Complainant's home. On March 20, 2023, Complainant's electrical service was disconnected due to Complainant's non-payment. Black Hills' accounting, transfers, and charges applied to Complainant's gas and electric utility accounts are accurate and consistent with Black Hills' tariff on file with the Commission. Complainant authorized the splitting of his Black Hill account into separate electric and gas utility accounts. Black Hills fully refunded Complainant's utility account \$417.07 for the balance transfer that Complainant alleged was improperly applied to Complainant's utility account. Complainant authorized his participation in Black Hills Energy Assistance Program (BHEAP) and Black Hills' Budget Billing Plan, and Complainant's participation in LEAP is not administered, or otherwise controlled by Black Hills. Due to Complainant's non-payment of his Black Hills' utility bills, his service was disconnected on March 20, 2023. Because Complainant failed to meet his burden of proof by a preponderance of the evidence, the ALJ consequently dismissed the Complaint.

5. On November 1, 2023, Complainant filed exceptions to the Recommended Decision generally asserting the same allegations made in his Complaint.

6. In Complainant's first RRR, he cited to Commission Rule 4 CCR 723-3-3408, arguing that Black Hills treats customers any way they see fit regardless of written regulations. Complainant continues to argue that Black Hills discontinued his utility service inappropriately and without cause. He raises the argument that he was forced to pay his bill, totaling \$458.00, twice in the month of March 2023. In addition, Complainant ostensibly refers to Commission Rule 4 CCR 723-5-5401 regarding billing for metered services. However, these rules refer to water utility customers and are not relevant to gas or electric customers. These are the only two issues Complainant raises in his RRR.

7. Complainant argued "there are a number of unexplained transfers on my account for [sic]." He argues that Black Hills transferred \$417.07 from his account unknowingly. However, Black Hills explained at the hearing on the Complaint and in its response to Complainant's exceptions that Complainant was billed for non-payment of utility services at a home he resided in with his ex-wife, although the utilities were in her name. However, the Company refunded the \$417.07 to Complainant voluntarily. Complainant continues to fail to acknowledge this.

8. By Decision No. C24-0175, issued on March 19, 2024, we denied Mr. Hilton's first RRR. We found his RRR did not raise any new issues or allege our decision on exceptions was unlawful in any way.

9. Now, Mr. Hilton has filed a second application for RRR. Upon review of his second RRR, it is apparent that Mr. Hilton has again failed to present any argument or evidence that the Commission's previous decisions on exceptions and RRR are unlawful, unjust, or unwarranted. In fact, the citations to Commission Rules, and arguments raised by Hilton in this latest filing, are nearly identical to his first RRR arguments. Because Mr. Hilton has not raised any new arguments

or stated with any specificity anything within our previous decisions that is unlawful, we deny Mr. Hilton's second application for RRR.

10. It is noted since this is a second denial of RRR and nothing in Mr. Hilton's arguments causes us to reverse, change or modifying our original decision on RRR (or the ALJ's Recommended Decision), Decision No. C24-0175 (or any of the previous decisions) is not subject to further applications for RRR, and the original decision (Recommended Decision No. R23-0722) to which the second application for RRR was addressed will become effective according to its terms. No further Commission appeals are available to Mr. Hilton.

II. ORDER

A. The Commission Orders That:

1. The Application for Rehearing, Reargument or Reconsideration filed by Mr. Paul Hilton on March 28, 2024, is denied consistent with the discussion above.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 10, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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TOM PLANT

Commissioners