

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>DENNIS and POLLY KEPHART</p> <p style="padding-left: 40px;">Complainant,</p> <p style="padding-left: 40px;">v.</p> <p>MIDAMERICAN ENERGY COMPANY</p> <p style="padding-left: 40px;">Respondent</p>	<p style="text-align:center">DOCKET NO. C-01-240</p>
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ORDER DENYING REQUEST FOR FORMAL COMPLAINT PROCEEDINGS

(Issued August 20, 2001)

On May 11, 2001, Dennis and Polly Kephart filed with the Utilities Board (Board) a written complaint alleging that their January 2001 electric bill from MidAmerican Energy Company (MidAmerican) contained a large, unexpected spike in electric usage. The January 2001 bill the Kepharts received was based on an actual meter read. However, the December 2000 bill was an estimated bill based on December 1999 usage and costs. The month of December 2000 was colder than normal and therefore the January 2001 contained additional charges from actual December 2000 usage. The disputed charges amount to \$400.97. Mr. Kephart said he has worked in the heating and cooling field for 30 years and outlined numerous steps the family has taken to control energy costs.

MidAmerican filed a response to the complaint on June 7, 2001. MidAmerican said it tested the electric meter at the Kephart's address and that the meter tested within the accuracy standards provided for in the Board's rules. 199 IAC 20.4(14). MidAmerican offered to have one of its employees come to the Kephart's address and assist them in attempting to locate a possible cause, but that offer was refused.

On June 28, 2001, the Consumer Services Section issued a proposed resolution that found the meter tested within acceptable limits and that it appeared increased usage was due to lower than normal temperatures. The Kepharts disagreed with the conclusions reached in the letter and four different employees of the Utilities Board reviewed their file. Each person reviewing the file reached the same conclusion: the meter was accurate, the meter measured the electricity delivered to the Kepharts, and the billing history indicated weather could be a factor in the higher than normal bills despite the Kephart's efforts to minimize energy use.

A letter from the manager of the Customer Service section dated July 12, 2001, outlined the investigation conducted regarding the Kephart's complaint and the conclusions reached. In particular, the letter noted that if there was a problem with the meter socket, this is customer-owned equipment for which MidAmerican has no responsibility. The Kepharts were not satisfied with the proposed resolution and requested formal complaint proceedings on July 30, 2001.

Iowa Code § 476.3(1) (2001) provides, in part, that following informal complaint proceedings, "[t]he complainant or the public utility also may petition the board to initiate a formal proceeding which petition shall be granted if the board

determines that there is any reasonable ground for investigating the complaint." This is the standard the Board applies to requests for formal complaint proceedings.

All documents contained in the file of an informal complaint proceeding are part of the record. 199 IAC 6.7. Thus, in determining whether there is any reasonable ground for instituting formal complaint proceedings, the Board reviews the entire file.

The Board has reviewed the billings contained in the file and finds that the Kepharts' meter was accurate and that they were billed correctly for actual usage. A review of the file indicates the Kepharts agreed the meter test was valid but that they continue to believe there are other reasons for their increased usage other than the weather. A review of the file indicates no such reasons that would be the responsibility of MidAmerican. Also, it appears that usage has returned to normal patterns and that colder weather is the likely explanation for the usage spike. The Kepharts are to be commended for their energy efficiency efforts, but in this case the evidence demonstrates that they were correctly billed for electricity that passed through an accurate meter.

There is no reasonable ground for investigating any aspects of this complaint further. Therefore, the request for formal complaint proceedings will be denied.

IT IS THEREFORE ORDERED:

The request for formal complaint proceedings filed by Dennis and Polly Kephart on July 30, 2001, is denied.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper _____
Executive Secretary

Dated at Des Moines, Iowa, this 20th day of August, 2001.