

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>AMY HARVEY,</p> <p style="padding-left: 100px;">Petitioner,</p> <p style="padding-left: 100px;">vs.</p> <p>INTERSTATE POWER AND LIGHT COMPANY,</p> <p style="padding-left: 100px;">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-04-50 (C-04-177)</p>
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ORDER DOCKETING COMPLAINT AND ASSIGNING TO PRESIDING OFFICER

(Issued October 4, 2004)

On July 8, 2004, Amy Harvey filed with the Utilities Board (Board) an informal complaint, identified as C-04-177, alleging that Interstate Power and Light Company (IPL) added her name to the electric and gas account of her father, David Hathaway, without her permission. This resulted in IPL holding Ms. Harvey responsible for \$1,538.94 in charges on the account. Ms. Harvey acknowledges she communicated with IPL in 2000 and 2001 to discuss bills and payment arrangements on the account because her father was in poor health, but claims she had no intention of adding her name to the account and that she did not realize her name was added. Ms. Harvey moved in with her father in 2001 and continues to live at those premises. Mr. Hathaway is now deceased.

Ms. Harvey asked the Board to order IPL to refund any money paid to it by her that was applied to her father's debt. IPL filed a response on August 3, 2004. IPL said its records indicated Ms. Harvey called IPL on May 9, 2001, and asked that her name be added to the account. IPL noted that approximately two months later she made payment arrangements on the account and subsequently attempted to pay IPL pursuant to that agreement by using her father's checking account without proper authorization. IPL said Ms. Harvey entered into a second payment agreement on a new account for the same premises in 2004. IPL indicated Ms. Harvey has lived at the premises in question continuously since 2001.

On August 20, 2004, the Customer Services Section of the Board issued a proposed resolution that found Ms. Harvey responsible for the past due amount "because she helped incur part of the debt and because she took ownership of the debt by her actions." The proposed resolution also stated that Ms. Harvey had set up a payment agreement, attempted to pay pursuant to that agreement, and benefited from the electric and gas service.

On September 3, 2004, Ms. Harvey filed a request for formal complaint proceedings. Because there appears to be a factual dispute over whether Ms. Harvey was properly added as a responsible party to the account, there are reasonable grounds to warrant instituting a formal complaint proceeding pursuant to Iowa Code § 476.3. The Board will docket this matter as a formal complaint proceeding identified as Docket No. FCU-04-50. To expedite the review of this

complaint, the docket will be assigned to a presiding officer for further proceedings, including the establishment of a procedural schedule and conducting a hearing.

IT IS THEREFORE ORDERED:

1. The informal complaint filed by Amy Harvey, identified as C-04-177, is docketed as a formal complaint proceeding, identified as Docket No. FCU-04-50.

2. Pursuant to Iowa code § 17A.11(1)"b" and 199 IAC 7.1(4), this matter is assigned to Board Member Mark Lambert as presiding officer for such further proceedings as may be appropriate.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 4th day of October, 2004.