

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>RALPH VAN FOSSEN, Complainant,</p> <p style="text-align:center">vs.</p> <p>INTERSTATE POWER AND LIGHT COMPANY, Respondent.</p>	<p style="text-align:right">DOCKET NO. FCU-07-12 (C-07-147)</p>
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**ORDER DOCKETING COMPLAINT AND
ASSIGNING TO ADMINISTRATIVE LAW JUDGE**

(Issued October 15, 2007)

On March 14, 2007, Ralph Van Fossen filed with the Utilities Board (Board) an informal complaint, identified as C-07-147, regarding several issues, including that his electric service provider, Interstate Power and Light Company (IPL), engaged in deceptive billing practices by shifting his billings (largely based on estimated meter readings) from lower rate periods to higher rate periods. Mr. Fossen filed nine additional letters regarding various issues he has with IPL.

On March 28, 2007, IPL responded to the complaint. IPL subsequently provided additional information in response to some of the correspondence from Mr. Van Fossen. The Consumer Advocate Division of the Department of Justice

(Consumer Advocate) also became involved in the complaint proceedings and IPL responded to data requests issued by Consumer Advocate.

On August 7, 2007, the Customer Services Section of the Board issued a proposed resolution that generally found IPL provided information showing that its bill calculations and practices were correct. In response to this proposed resolution, Mr. Van Fossen filed a timely request for a formal complaint proceeding. Consumer Advocate filed a response on August 29, 2007, stating that it also believed a formal proceeding should be held because of the number of disputed facts.

It appears that the heart of Mr. Van Fossen's complaint is that IPL used estimated meter reads for eight out of nine months during a period from 2005-2007. IPL acknowledged that Mr. Van Fossen's bill had been estimated for 10 of the last 24 months (ending in March 2007) but indicated that this was largely due to Mr. Van Fossen having an unrestrained dog; two estimated bills were due to weather. IPL also said the months where estimated meter reads were used were not consecutive months. Mr. Van Fossen noted that his dog had been restrained in the same place for seven years and questioned why it had only recently become a problem.

Mr. Van Fossen claimed that as a result of these estimated meter reads, he was charged at higher rates by having more usage allocated to higher cost periods. IPL said that after obtaining an actual meter read, Mr. Van Fossen's bill was adjusted, although Mr. Van Fossen's maintained the adjustment was not sufficient. Other complaints arise, at least in part, from Mr. Van Fossen's claim that his bills

were not properly calculated, including late fee charges, issuance of disconnection notices, and revision of payment due dates. There was also a complaint about the air conditioner cycling program, although this may have been resolved when Mr. Van Fossen received bill credit for the program.

Because there are factual disputes over whether IPL violated 199 IAC 20.3(6), which limits estimated readings to no more than three consecutive months except in "unusual cases," there are reasonable grounds to warrant instituting a formal complaint proceeding pursuant to Iowa Code § 476.3. The dispute over estimated readings appears to have resulted in Mr. Van Fossen's other complaints regarding late fees, disconnection notice, and deceptive billing practices (improper allocations and change of due date), requiring that these issues also be included in the formal proceeding.

The Board will docket this matter as a formal complaint proceeding identified as Docket No. FCU-07-12. The docket will be assigned to an administrative law judge (ALJ) for further proceedings, including the establishment of a procedural schedule and conducting a hearing. The Board will also direct the ALJ to conduct a pre-hearing conference to discuss a procedural schedule with the parties.

IT IS THEREFORE ORDERED:

1. The informal complaint filed by Ralph Van Fossen, identified as C-07-147, is docketed as a formal complaint proceeding, identified as Docket No. FCU-07-12; pursuant to Iowa Code § 476.3. The issues will be as identified in the

petition for formal complaint proceedings and as they may develop during the course of the proceedings.

2. Pursuant to Iowa Code § 17A.11(1)"b" and 199 IAC 7.3, this matter is assigned to Administrative Law Judge Amy Christensen for such further proceedings as may be appropriate.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 15th day of October, 2007.