

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

| | |
|---|--|
| <p>IN RE:</p> <p>ANGELA BARNES,</p> <p style="padding-left: 100px;">Complainant,</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. C-07-250</p> |
|---|--|

ORDER DENYING REQUEST FOR FORMAL COMPLAINT PROCEEDINGS

(Issued April 29, 2008)

On October 19, 2007, Angela Barnes filed a written complaint with the Utilities Board (Board) concerning Interstate Power and Light Company's (IPL) gas and electric service. Ms. Barnes supplemented the initial complaint with approximately 30 e-mails to the Board's staff that continued until April 2008. Ms. Barnes's complaints about her service included IPL's request for a deposit for reconnection of service after a disconnection, disputes over the amounts of the bills, disconnection of service without proper notice, and disputed charges for meter tampering fees.

IPL filed its initial response to the complaint on November 14, 2007, and supplemented its response on December 10, 2007, and February 22, March 4, and March 5, 2008. Contrary to Ms. Barnes's assertions, IPL said its records showed that

no deposit was required when service was begun to Ms. Barnes on September 29, 2003. IPL said no payments from Ms. Barnes were received between October 2006 and February 2007 and that Ms. Barnes defaulted on two payment agreements. In addition, IPL noted some of Ms. Barnes's payments were returned for insufficient funds. IPL said that a \$300 deposit was required for reconnection of Ms. Barnes's service after disconnection because of her poor payment history, consistent with 199 IAC 19.4(2) and 20.4(2) and Section 9.01 of IPL's electric and gas tariffs.

With respect to Ms. Barnes's allegations that there was an unexplained increase in the amount of her bills, IPL responded that it had no notice of any billing disputes until Ms. Barnes requested an energy audit on June 20, 2007; the audit was performed on July 23, 2007. IPL said the energy auditor made recommendations to Ms. Barnes on how to reduce usage with additional insulation but IPL does not know the exact reasons for the increased usage because it does not have knowledge of her lifestyle or consumption patterns; however, the electric meter has been tested and is within the range of accuracy required by the Board's rules. 199 IAC 20.4(14). IPL pointed out the test was performed at its discretion; Ms. Barnes did not request a meter test.

In response to the allegations that her service was disconnected without proper notice, IPL pointed out that Ms. Barnes defaulted on two payment agreements and that IPL is not required to provide a third payment agreement. IPL said it attempted to contact Ms. Barnes by telephone regarding the pending disconnection

but the telephone number listed on her IPL account was not in service. IPL provided a 24-hour disconnection notice on October 3, 2007, and disconnected electric service on October 8, 2007, and gas service on October 17, 2007. IPL said service was restored on October 31, 2007, after Ms. Barnes paid the reconnection fees.

The final issue addressed in IPL's response related to meter tampering. IPL said it was dispatched to Ms. Barnes's residence on October 21, 2007, for a natural gas emergency and saw lights on inside the premises and the air conditioner running, even though electric service was disconnected on October 8, 2007 (and not restored until October 31). IPL found no natural gas leaks but said a locking ring on the electric meter had been cut so that the home could receive electricity.

On March 18, 2008, the Board's Customer Service Section issued a proposed resolution to Ms. Barnes's complaint. The proposed resolution found that IPL had complied with the Board's rules. Specifically, the proposed resolution noted that the Board's rules allowed IPL to request a deposit from Ms. Barnes prior to reconnection and that the amount of the deposit requested was appropriate. The proposed resolution also stated that nothing indicated IPL's billings were inaccurate (IPL tested the electric meter) and Ms. Barnes did not request another meter test. Finally, the proposed resolution found the disconnection was within the Board's rules and that IPL provided sufficient evidence of meter tampering.

Ms. Barnes disagreed with the proposed resolution and filed a timely request for formal complaint proceedings on March 27, 2008. Iowa Code § 476.3(1) (2007)

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.

There is no information in the complaint file to indicate that formal proceedings should be held. IPL's records document nonpayment on Ms. Barnes' account, default on two payment agreements, and some payments made with insufficient funds checks. IPL was within its rights pursuant to 199 IAC 19.4(2) and 20.4(2) and its tariffs to require Ms. Barnes to pay a deposit before her service was reconnected from a disconnection. Ms. Barnes provided no documentation to support her claim that she had paid a deposit.

With respect to Ms. Barnes's electric usage, a review of her billings indicates her usage increased after June 2006, but then remained fairly constant. IPL tested the electric meter and the test indicated it was within the range of accuracy provided for in the Board's rules. IPL said that Ms. Barnes told them that changes in the

household in June 2006 resulted in more time being spent at home, which could account for the increased usage.

A review of the complaint file also indicates that IPL followed the rules for payment agreements and disconnections and that the correct reconnection fee was applied. IPL provided photographs and statements indicating that meter tampering occurred; the results of the tampering could be clearly seen in the photographs and IPL personnel witnessed usage at the premises following disconnection. The Board's staff provided Ms. Barnes an opportunity to dispute this evidence, but no rebutting documentation or other evidence was submitted.

There is no reasonable ground for instituting formal complaint proceedings on any of the issues raised by Ms. Barnes. IPL provided documentation that demonstrates the account billing was correct and that all rules regarding disconnection, deposits, and payment agreements were followed. The information and photographs provided by IPL clearly show that the meter had been tampered with, allowing Ms. Barnes to receive service after a disconnection. IPL's meter test demonstrated that the meter was accurate and a review of IPL's billings indicates that they are correct and any appropriate credits have been made. The request for formal complaint proceedings will be denied.

IT IS THEREFORE ORDERED:

The request for formal complaint proceedings filed by Angela Barnes on March 27, 2008, is denied.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 29th day of April, 2008.