

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-08-100</p>
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ORDER DENYING REQUEST FOR FORMAL COMPLAINT PROCEEDINGS

(Issued October 30, 2008)

On August 27, 2008, Jeffrey Lea filed a written complaint with the Utilities Board (Board) on behalf of Angela Barnes related to the disconnection of Ms. Barnes' electric service by Interstate Power and Light Company (IPL) and alleged unresolved issues from a prior complaint by Ms. Barnes. Issues raised by Ms. Barnes in a prior complaint were addressed by the Board on April 29, 2008, in its "Order Denying Request for Formal Complaint Proceedings" issued in Docket No. C-07-250. The Board did not address issues such as allegations regarding complaints to the West Burlington police because the Board has no jurisdiction over such issues. See, Iowa Code chapter 476.

Ms. Barnes' current complaints are that her electric service was disconnected on August 26, 2008, without proper notification and that her payments and offers of settlement had been refused by IPL. IPL responded to the complaints and said electric service to Ms. Barnes' residence was disconnected on August 26, 2008, because no payment had been received on the account since May 15, 2008; IPL had postponed all collection activity during a two-month period following the flooding in June 2008. IPL said a message was left on Ms. Barnes' answering machine on August 25, 2008, regarding the pending disconnection.

IPL advised Ms. Barnes in a subsequent conversation that service could be restored if one-half of the past-due balance of \$2,143.85 was paid and arrangements were made for the balance to be paid over six months. IPL said it received a payment of \$100 on August 27, 2008, and a payment of \$900 on August 29, 2008. IPL said it restored service to Ms. Barnes on August 29, 2008. IPL then mailed Ms. Barnes a six-month payment agreement for the balance, with the first payment of \$374.00 due on September 15, 2008. IPL said the payment agreement form mailed to Ms. Barnes was returned as delivery refused. Because Ms. Barnes is now in default on the payment agreement, IPL said she is again subject to disconnection.

On September 25, 2008, Board staff issued a proposed resolution to Ms. Barnes' 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 disconnect service with a 24-hour notice when there has been a

default on a payment agreement. 199 IAC 20.4(15)"f." Also, the proposed resolution found that payment agreement rules had been followed and Ms. Barnes was now in default on another payment agreement, which IPL was not required to offer. Finally, the proposed resolution noted that inquiries from Mr. Lea to IPL were not responded to because Mr. Lea is not an attorney and did not produce a power of attorney indicating he had the authority to act on behalf of Ms. Barnes; IPL has a confidentiality policy that prohibits providing detailed customer account information to an unauthorized person.

Ms. Barnes disagreed with the proposed resolution and filed a timely request for formal complaint proceedings by e-mail on October 6, 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 followed the rules for payment agreements found in 199 IAC

20.4(11). In fact, because Ms. Barnes failed to make two consecutive payments on her May 12, 2008, payment agreement, IPL was not required to offer her a second payment agreement in August when she paid a portion of the past due bill. IPL also followed applicable Board rules regarding disconnection of service. The Board notes that in a letter to the Board's staff dated October 14, 2008, the Consumer Advocate Division of the Department of Justice indicated it was unable to identify any disputed facts regarding Ms. Barnes' complaint that would justify formal proceedings.

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 proper disconnection procedures were followed and IPL offered Ms. Barnes a second payment agreement when none was required. The request for formal complaint proceedings will be denied.

The Board notes IPL received numerous requests for information from Mr. Lea. However, Mr. Lea is not an attorney and did not produce a notarized power of attorney form from Ms. Barnes. IPL properly refused to respond to his requests because of IPL's confidentiality policy.

IT IS THEREFORE ORDERED:

The request for formal complaint proceedings filed by Angela Barnes on October 6, 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 30th day of October, 2008.