

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Tim Edens, North Platte,)	Formal Complaint No. FC-1333
Nebraska, Complainant)	
)	
v.)	
)	ORDER DISMISSING COMPLAINT
NorthWestern Corp.)	
d/b/a NorthWestern Energy,)	
Respondent, alleging inaccurate)	
billing.)	Entered: July 14, 2009

BY THE COMMISSION:

On April 15, 2009, Tim Edens (Complainant) filed a formal complaint (Complaint) against NorthWestern Corp. d/b/a NorthWestern Energy (Respondent) alleging inaccurate billing. Respondent timely filed an answer to the Complaint.

In summary, the Complainant alleges he was charged for therms that his household did not use in December 2008; Respondent improperly disconnected service to his home after he filed this complaint; and he never received results of testing done on the house meter on or around March 9, 2009.

Respondent contends that the meter was properly read, and Mr. Edens was billed the appropriate amounts based upon actual and estimated reads. Furthermore, the meter was tested, and was determined to be working within equipment standards.

Hearing was held on the Complaint on June 22, 2009, at the Nebraska Public Service Commission (Commission) and via video conference at North Platte.

E V I D E N C E

Mr. Edens testified on his own behalf. Mr. Edens and his wife have lived at this residence for approximately one year.¹ In summary, Complainant testified that he believed he was charged for more natural gas therms than he has used either due to an improper meter read or a malfunctioning meter. In support of his complaint, Mr. Edens provided copies of written and email correspondence from the Commission and the Respondent, photographs, and a summary of account activity.

Ms. Kathy Schultz, a part-time meter reader, testified on behalf of Respondent in response to a request from Mr. Edens. Ms. Schultz testified that she read Complainant's meter for the months of September, October, and December 2008. Ms. Schultz

¹ Trans. 13:1-4.

testified that she used binoculars when completing actual reads of Complainant's meter because he had a dog. Any actual reads for customers with dogs were done either with binoculars or by asking to enter the customer's home to read the meter.

Ms. Tricia Davis, a customer service representative supervisor, also testified on behalf of Respondent. Ms. Davis testified regarding Complainant's bill and meter reads between September 2008 and May 2009. Ms. Davis explained the bill and how Respondent determines the amount owed for each billing cycle and the procedure used when a customer is billed for an estimated meter read. At the time of the hearing, Ms. Davis stated that as of the day of the hearing, the balance on Mr. Edens' account was \$553.27.² Of that amount, \$265.69 is at issue in Mr. Edens' complaint.

Also admitted into evidence was the affidavit of Mr. Joe Butterfield, the technician that tested the meter from Mr. Edens' home.³

O P I N I O N A N D F I N D I N G S

Based on testimony and evidence offered, the Commission finds that the amount of natural gas used by Complainant was stated correctly. No evidence was presented to show that a meter error occurred. Although the bill initially issued after the estimated usage was high, an adjustment was made on a subsequent billing to ensure that the correct amount was billed based upon the actual read of the meter. Below is a summary of the meter reads, amounts billed and credits issued:

Read Dates	Reading	Usage	Billed Amt
8/21 - 9/17/08	3323 (actual)	18	44.40
9/17 - 10/16/08	3353 (actual)	28	48.53
10/16 - 11/19/08	3420 (estimate)	67	94.95
10/16 - 12/17/08	3469 (misread)	40	60.78
12/17 - 1/20/09	3683 (estimate)	214	Credited on 1/26 bill
12/17 - 1/26/09	3761 (actual reread)	292	265.69

The Commission recognizes that the process used for estimated and later crediting bills when an actual read is not possible can be confusing. Additionally, further confusion may have occurred due to a misread in December 2008 which was corrected when the meter was reread on or about January 26, 2009. However, after reviewing all of the evidence, we find that the appropriate amount was credited to Complainant's account

² Trans. 38:11-12.

³ Exhibit No. 10.

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after Respondent determined the difference in estimated and actual reads for October 2008 to December 2008, and December 2008 to February 2009.

Therefore, the Commission finds that Complainant shall pay Respondent **\$265.69**, representing the amount at issue in this complaint. The Commission recognizes that the amount due is substantial in light of Mr. Edens' financial situation. Respondent shall allow Mr. Edens' 12 months from the date of this order to pay the amount due in full. Payments shall be made in equal installments on a monthly basis.

According to Ms. Davis, the reconnection fee has already been removed from Mr. Edens' bill.⁴ Any late fees associated with the disputed portion of Complainant's account should be waived. Late fees attributable to the remainder of his account may apply.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Complainant pay Respondent **\$265.69**, the amount due on Complainant's account, within 12 months.

IT IS FURTHER ORDERED that any late fees associated with the disputed portion of Complainant's account be waived. Late fees attributable to the remainder of his account may apply.

MADE AND ENTERED at Lincoln, Nebraska, this 14th day of July, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Herald L. Up

Barne C. Boyke

Tom Schram

//s// Frank E. Landis

Adam Sanders
Chairman:

ATTEST:

Michelle J. S.
Executive Director

⁴ Trans. 38:2-5.