



State of Utah

Department of Commerce Division of Public Utilities

FRANCINE GIANI CHRIS PARKER
Executive Director Director, Division of Public Utilities

GARY HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Recommendation

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

Doug Wheelwright, Utility Technical Consultant

David Williams, Utility Analyst

Date: April 11, 2019

Re: **Hearing Recommended**, Formal Complaint of Nadra Haffar against
Dominion Energy Utah, Docket No. 19-057-08

Recommendation (Hearing)

The Utah Division of Public Utilities (Division) recommends that the Public Service Commission of Utah (Commission) schedule a hearing in Docket No. 19-057-08. The docket involves a gas meter that was crossed with a neighbor's meter. The Division is unable to determine some key facts, including the date that the meters became crossed, and who was responsible for the crossing. A hearing will allow the parties to present evidence on these disputed factual issues.

Background

On September 25, 2018, Nadra Haffar filed an informal complaint with the Division.¹ In this Informal Complaint, Ms. Haffar stated that when her home was constructed, Dominion Energy

¹ *Informal Complaint*, Redacted Exhibit B to *Formal Complaint of Nadra Haffar*, filed in Docket No. 19-057-08 on March 12, 2019 (Informal Complaint).

Utah (Dominion) connected Ms. Haffar's meter to her neighbor's gas pipes. In 2010, the neighbor built an outbuilding shop, which caused the neighbor's gas usage to rise (although the rise in usage was reflected on Ms. Haffar's bill). Ms. Haffar contacted Dominion and requested an inspection of her gas lines. Dominion discovered no issues at that time. In 2018 the crossed meters were discovered by a third-party construction crew.² Ms. Haffar contacted Dominion on May 21, 2018 to inform them of the crossed meters.³

In a letter dated June 8, 2018, Dominion acknowledged the crossed meters, although without any statement as to the cause of the crossed meters.⁴ Dominion stated that “[t]he meter measuring your gas usage... was crossed with a meter measuring your neighbor's usage.”⁵ Dominion stated that “[a]lthough rare, the problem occurs when the interior piping for multiple units in a building are installed and a meter assigned to one customer is accidentally connected to pipes serving another customer.”⁶ Dominion credited Ms. Haffar \$1,552.43, which it states represents the difference in usage for the two-year period from 5/12/2016 to 5/10/2018.⁷

In its response to Ms. Haffar's initial Informal Complaint, Dominion stated:

At the time of construction and installation of a new customer meter, DEU relies upon the owners, or its designated agents, to identify the fuel lines installed and maintained by the customer. ... The Company then installs the DEU customer meter based upon such identification of the customer or its designated agents or contractors.

Prior to May 21, 2018, DEU had no knowledge of a crossed meter condition and relied upon the customer and/or its designated agent to properly mark and identify the location of each buried fuel line. Moreover, the cause of the crossed meter condition likely originates from the construction of the fuel lines, occurring up to twenty years prior to the service call performed on or around April 13, 2010. Moreover, the services requested during the 2010 service call were performed in entirety at the remote meter set located a

² *Id.* p. 3.

³ *Id.* p. 6 (reproducing Dominion's response to the initial complaint, in letter from Dominion to Ms. Haffar dated October 2, 2018).

⁴ *Letter from Dominion Energy Utah to Nadra Haffar Dated June 8, 2018*, Redacted Exhibit A to *Formal Complaint of Nadra Haffar*, filed in Docket 19-057-08 on March 12, 2019 (Dominion Letter).

⁵ *Id.* p. 1.

⁶ *Id.* This case does not appear to involve “multiple units in a building.”

⁷ *Id.* pp. 1-3.

considerable distance away from the Property and did not include the opportunity for the Company to inspect the buried fuel lines or access the Property.

Following a thorough review, DEU has not identified any evidence in support of the claim that the crossed meter condition was caused by the utility.⁸

Dominion cited Utah Admin. Code R746-320-9 as support for the conclusion that “in the event of a crossed meter condition not caused by the utility, the customer is entitled to a billing adjustment of 24 months.”⁹

Ms. Haffar was not satisfied with the two-year credit, and requested mediation with Dominion. Dominion declined mediation.¹⁰ Ms. Haffar filed a formal complaint on March 13, 2019. In this Formal Complaint, Ms. Haffar alleges Dominion caused the crossed meters in 1986.¹¹

Discussion

Utah Admin. Code R746-320-9.A.4 provides that:

A utility shall not be required to make a refund of, or give a credit for, overpayments which occurred more than 24 months before the customer submitted a complaint to the utility or the Commission, or the utility actually became aware of an incorrect billing which resulted in an overpayment. For all overbilling conditions specified in 746-320-9.A, except for crossed meter conditions specified in 746-320-9.A.4 not caused by the utility, an exception to the 24 month limitation period applies when the overbilling can be shown to be due to some cause, the date of which can be fixed. In this instance the overcharge shall be computed back to that date and the entire overcharge shall be refunded.

Thus, Dominion would not have to credit more than two years of overbilling unless “the overbilling can be shown to be due to some cause, the date of which can be fixed.” There are

⁸ *Informal Complaint* p. 7.

⁹ *Id.*

¹⁰ *Id.* p. 13.

¹¹ “In 1986, Dominion incorrectly assigned to Ms. Haffar a meter connected to pipes serving her neighbor.” *Formal Complaint of Nadra Haffar*, filed in Docket No. 19-057-08 on March 12, 2019 (Formal Complaint), p.1.

factual issues regarding the cause and timing of the crossed meters that need to be sorted out in a hearing.

The Date the Meters Were Crossed Is in Dispute

One factual issue which needs resolving is the timeline. It is not clear when the meters first became crossed. The Formal Complaint states that:

9. In 1986, a new home was built on the lot neighboring Ms. Haffar.
10. In 1986, Dominion connected a second meter in the utility box between Ms. Haffar's home and her neighbor's.
11. In 1986, Dominion incorrectly assigned the meters in the utility box.¹²

Thus, Ms. Haffar believes the date of the crossed meters is fixed: it happened when Dominion installed the second meter in the utility box in 1986.¹³ Dominion does not state explicitly when it thinks the crossed meters occurred, other than to say "the cause of the crossed meter condition likely originates from the construction of the fuel lines, occurring up to twenty years prior to the service call performed on or around April 13, 2010."¹⁴ The date of the crossed meters is a factual issue that should be discussed at a hearing.

The Cause of the Crossed Meters Is in Dispute

Another question with a (partial) factual component is who caused the crossed meters. Ms. Haffar alleges that:

11. In 1986, Dominion incorrectly assigned the meters in the utility box.
12. Dominion wrongfully assigned to Ms. Haffar the meter that measured her new neighbor's use of gas. This is known as a "crossed meter."
13. Only Dominion had authority to access, install, maintain and assign the meters at issue.

¹² *Formal Complaint*, p. 2.

¹³ In the *Informal Complaint*, Ms. Haffar states that "[w]hen Ms. Haffar's home was constructed, Dominion Energy employees negligently connected Ms. Haffar's meter to pipes serving Mr. Richard Wybrow, Ms. Haffar's neighbor." *Informal Complaint*, p. 3. This implies the meters were crossed in 1979, as Ms. Haffar's house was built in 1979 (see *Formal Complaint*, p. 2).

However, the *Formal Complaint* states the meters were incorrectly assigned in 1986, and the Division assumes Ms. Haffar believes the meters were crossed in 1986.

¹⁴ *Informal Complaint* p. 7 (reproducing letter sent from Dominion to Ms. Haffar Oct. 2, 2018)

...
27. The Dominion agents who discovered the crossed meter represented to Ms. Haffar that the meter appeared to have been crossed at the time her neighbor's home was built in 1986.¹⁵

Dominion implies (but does not state directly) that the crossed meters occurred because Ms. Haffar or someone else misidentified the pipes:

At the time of construction and installation of a new customer meter, DEU relies upon the owners, or its designated agents, to identify the fuel lines installed and maintained by the customer. ... The Company then installs the DEU customer meter based upon such identification of the customer or its designated agents or contractors.

Prior to May 21, 2018, DEU had no knowledge of a crossed meter condition and relied upon the customer and/or its designated agent to properly mark and identify the location of each buried fuel line.¹⁶

Thus the question of cause rests partly on disputed factual issues (e.g., who installed and marked the pipes when Ms. Haffar's house was built and when her neighbor's house was built, what information was available to Dominion in 1986 when they added a meter to the meter box, etc.). These factual issues should be determined at a hearing.

Historical Usage Data

The Division filed a data request with Dominion asking for historical usage data for the two meters in question back to 1986 or as far as possible.¹⁷ Dominion, however, explained that it does not typically retain individual usage and billing data that long, and because of a change in its billing system in 2004, determined that its usage data only went back to 2003. From the available data, the Division determined that for each year from 2003 to 2018 the Haffar property used less gas than the neighbor property.¹⁸ The following chart shows the differences in CCF and

¹⁵ *Formal Complaint*, pp. 2-3.

¹⁶ *Informal Complaint*, p. 7.

¹⁷ *1st Set of Data Requests to Dominion Energy Utah*, Docket No. 19-057-08, sent March 26, 2019.

¹⁸ *19-057-08 DEU Exhibit 1.02 to Response to DPU 1.02*, Docket No. 19-057-08, sent April 3, 2019; *19-057-08 Supplemental DEU Exhibit 1.2_Haffar Formal Complaint*, sent April 8, 2019. The years 2003 and 2018 have incomplete data (2003 because Dominion's historical records end mid-year, 2018 because the meters were correctly assigned mid-year).

billing for the years 2003-2018, with the years starting around January 11. Note that the outbuilding on the neighbor’s lot was built in 2010. The annual average bill difference in the years 2004-2009 (before the outbuilding was built) is \$241.15. If we used the 2004-2009 average and applied it to previous years where data is missing, the total for the years 1986 to 2003 would be:

$$18 \text{ years} * (\$241.15 \text{ per year}) = \$4,340.70.$$

Table 1 Difference in Gas and Billing Amounts, 2003-2018

	Neighbor Property CCF	Haffar Property CCF	Difference in CCF	Bill Difference
2003	244	161	83	\$ (72.47)
2004	657	375	282	\$ (255.43)
2005	650	398	252	\$ (248.81)
2006	675	496	179	\$ (222.76)
2007	772	404	368	\$ (395.11)
2008	724	460	264	\$ (264.77)
2009	693	651	42	\$ (60.05)
2010	802	716	86	\$ (86.18)
2011	823	609	214	\$ (226.90)
2012	695	604	91	\$ (116.64)
2013	933	665	268	\$ (282.06)
2014	825	691	134	\$ (173.35)
2015	813	450	363	\$ (442.61)
2016	1114	453	661	\$ (734.09)
2017	1296	515	781	\$ (846.33)
2018	774	294	480	\$ (563.37)
2004-2009 Average	695.2	464.0	231.2	\$ (241.15)
2010-2017 Average	912.6	587.9	324.8	\$ (363.52)
2004-2017 Average	819.4	534.8	284.6	\$ (311.08)

If Dominion is found to be responsible for the crossed meters, and is required to refund the difference in billing amounts back to 1986, one method for determining the total amount is shown in the following table.

Table 2 Possible Estimation of Billing Differences Back to 1986

1986-2003 (using average from 2004-2009)	\$ 4,340.70
2004-2018 (known from billing data)	\$ 4,918.46
Credit (already refunded for two-year period 5/12/2016 to 5/10/2018)	\$ (1,552.43)
Total	\$ 7,706.73

Note that the amounts in Table 2 do not include interest.

Conclusion

There are factual issues in this docket that are in dispute, including when the meters were crossed, and the cause of the crossed meters. The Division recommends a hearing so the parties can present evidence on these matters.

Cc: Service List
Kelly Mendenhall, Dominion Energy