

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of) DOCKET NO. 06-057-02
Marion Smith vs. Questar Gas) REPORT AND ORDER DISMISSING
) COMPLAINT

ISSUED: May 17, 2006

By The Commission:

PROCEDURAL HISTORY AND BACKGROUND

On March 8, 2006, Complainant Marion Smith filed a Complaint against Respondent Questar Gas Company (“Questar”) alleging her gas meter must be malfunctioning and requesting a meter test and credit to her account for excess charges commencing October 19, 2005. On April 13, 2006, Questar filed its Answer and Motion to Dismiss indicating a meter test had been conducted on February 10, 2006, and that the meter appeared to be working properly. Questar sought dismissal of the Complaint as failing to state a claim upon which relief can be granted. On April 21, 2006, the Division of Public Utilities (“Division”) filed a memorandum recommending the Commission dismiss the Complaint based on its conclusion that Questar had not violated any statute, rule or tariff provision.

A duly noticed hearing before the Administrative Law Judge was held on May 11, 2006. Complainant Marion Smith appeared on her own behalf, provided sworn testimony, and questioned Questar’s witnesses. Jennifer Byde appeared on behalf of Questar. Linda Kizerian, Questar customer service representative, and Mike Miola, Questar service technician, testified on behalf of Questar.

DISCUSSION, FINDINGS, AND CONCLUSIONS

Complainant believes her gas meter must be inaccurately recording her gas usage, resulting in over billing beginning in October 2005. She bases this claim on the fact that her December 2005 bill is almost double that of November 2005 and that her January 2006 bill is almost double once again that billed for December 2005. She states she has lived in her current home since 1997, she lives alone in the home, and the home is less than 1,400 square feet on the main level. She states all the heater registers remain closed in the basement and only a few registers in her bedroom, kitchen and other main living areas are open on the main floor. She has seen the gas bills of a few other customers who have several people living in their home with children running in and outside and that those bills are less than her bills. She does not trust the accuracy of Questar's meter test and relies on the dollar amount of her bills as primary proof that there is a problem with her meter.

In response, Questar provided a billing history for Complainant's account indicating that her gas usage patterns, and usage in cold weather months, has remained generally consistent during the period 2001 through 2005. When evaluating complaints of inaccurate meter reads, Questar relies on records of gas usage rather than dollar amount billed because the dollar amount of a bill is very dependent on the cost of gas during a particular billing period. Questar acknowledges Complainant's bills are higher than in previous years but notes that gas prices have increased substantially in the past year. Although Complainant's dollar amount billed in from November 2005 through February 2006 has increased significantly from prior years, the actual amount of gas she used during this period is consistent with the amount used in prior years during the same period.

Questar also notes its test of Complainant's meter in February 2006 disclosed no problem with the meter's operation. Meters that have failed typically run too slowly until they fail completely. This slowed operation would result in an under-count of the amount of gas the customer actually used. In order for Complainant's claim of a meter problem leading to a high gas bill to be correct, her meter would have to be running faster than normal. Not only did her meter appear to be operating normally when tested, but Questar's service technician testified that in his fifteen years with Questar he has never seen a meter malfunction by running too fast; they always run too slow. Questar also notes that meters do not malfunction for some period to time and then return to normal operation so that it would not be possible for Complainant's meter to have run fast during the November and December 2005 billings periods but then have tested as operating normally in February 2006.

Having reviewed the evidence and testimony presented, we find no basis to conclude that Questar has violated any statute, rule, or tariff applicable to its provision of gas service to Complainant. While we understand Complainant's concern about the amount of her gas bills, we see no evidence to indicate that Questar has improperly billed Complainant or that her meter is not operating as intended. We therefore determine to dismiss this matter.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The complaint filed herein is dismissed.
2. Pursuant to Utah Code §§ 63-46b-12 and 54-7-15, agency review or rehearing of

this order may be obtained by filing a request for review or rehearing with the Commission

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within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 17th day of May, 2006.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 17th day of May, 2006, as the Report and Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#48924