

# Informal Complaint Report

**Index Number:** 497543076      **Company Name:** Rocky Mountain Power

## CUSTOMER INFORMATION

**Customer Name:** Bringard, Millworks      **Account Number:** CONFIDENTIAL  
**Other Contact Info:** Wade Winegar      **Phone Number:** CONFIDENTIAL  
**Customer Address:**      **Other Phone:**  
**Customer Address:** CONFIDENTIAL      **Email Address:** wade@bringard.com  
**City:** West Valley City      **State:** UT      **Zip Code:** 84119

## COMPLAINT INFORMATION

**Type of Call:** Complaint      **Complaint Type:** Billing Problems  
**Date Received:** 11/1 /2017      **Date Resolved:** 11/6 /2017  
**Complaint Received By:** Gwen Flores      **DPU Analyst Assigned:** 0  
**Utility Company Analyst:** Eric Holje  
**Company at Fault:**       **Actual Slamming Case:**       **Actual Cramming Case:**

### Complaint Description:

Complaint submission via online, copied and pasted exactly as received.

CONTACT: Wade Winegar  
PHONE: 801-973-4466  
OTHER PHONE: 8019734466  
EMAIL: wade@bringard.com

SERVICE ADDRESS:  
2400 South 2570 West  
West Valley City, UT 84119

MAILING ADDRESS:  
2400 South 2570 West  
West Valley City, UT 84119

UTILITY: Rocky Mountain Power

ACCOUNT NUMBER: 245597460162

COMPLAINT TYPE: Billing Problems

### COMPLAINT: INCIDENT DETAILS

In a series of changing positions, Rocky Mountain Power (RMP) has decided to backbill Bringard Millworks (Bringard) approximately \$24,000.00 for estimated power consumption not registered on Bringard's power meter.

While Bringard had contacted RMP 3 times and had them out to the premises, it wasn't until August of 2017 that RMP discovered a claimed burnt wire that caused the meter to fail to register correctly the amount of power being used.

In September of 2017, Bonnie from RMP's Business Solutions department contacted Wade at Bringard and began a dialogue with dozens of calls made back and forth.

Bringard asked numerous times for a written explanation for the backbilling as well as the meter failure report but has only received RMP's

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an explanation of their views on the regulations, which view has change 3 times.

RMP initially cited Bringard to P.S.C.U. No. 50, Original Sheet 8R.3, BILLING ADJUSTMENTS, and more specifically, P.S.C.U. No. 50, Original Sheet 7R.4, BILL ADJUSTMENTS FOR METER ERROR AND FAILURE TO REGISTER as their authority to backbill Bringard for their estimate of power consumed but not billed.

Bringard pointed out that Billing Adjustments is the broader authority to backbill while Bill Adjustments for Meter Error and Failure to Register appears to address the exact situation at hand but limits RMP to backbill for only 3 months.

RMP then changed their position stating the metering regulations did not apply, even though the situation that occurred clearly falls under this sections description.

Later, at the insistence of Bringard, RMP provided the written explanation of their claimed interpretation of the regulations for backbilling. The PSC of Utah, through regulation, allows RMP to back bill customers. But in so doing, they impose certain restrictions on RMP if they do backbill. One set of restrictions is when there is a Meter Error and this is clearly described in the regulation. This section does not appear to be relevant as the meter was tested and apparently is accurate (not running fast or slow).

Another separate set of restrictions under paragraph 4(b) applies for Failure to Register. According to the oral report from RMP (despite a number of requests, no written explanation was provided as to what the problem was with the meter reading), the meter, which is accurate, failed to register the full amount of power consumed by Bringard due to a burned sensor wire measuring one of the phases.

The language by the PSC allowing for Bill Adjustments for Meter Error and Failure to Register describe almost exactly what happened here.

Paragraph 4 (b) states in part If any meter fails to register correctly the amount of electric power or energy used by the Customer, the amount of such use will be estimated by the Company from the best available information. If a meter does not register, the Company may bill the customer for the estimated power and energy used but not registered for a period not exceeding three months. . . . (Emphasis added).

With this matter, according to RMP, Bringard's meter did not register correctly the amount of electric power consumed, even though the meter was accurate. RMP estimated what it thought was actually consumed, as allowed for by this regulation. Under paragraph 4(b), RMP is limited to estimating what they think Bringard consumed for a period not exceeding 3 months.

The regulation does not differentiate why the meter did not register, only that it did not register the power consumed, which it didn't. This section is also different than the prior section that describes a faulty meter (running fast or slow) and which also provides its own remedy.

Because of the 3 month restriction placed on RMP, they are now backing out of their first assertion that these two sections authorized them to backbill and have provided a tortured reading of why it no longer applies.

The regulations cannot be used cafeteria style, choosing the ones that seem to benefit RMP while ignoring the ones where the PSC has placed certain restrictions on RMP's ability to backbill.

The regulations provide security to RMP's customer as well in knowing there is not an unlimited amount of time RMP can bill when they make a mistake.

This is especially the case when customers have relied on RMP billing as accurate and accordingly billed their own customers.

A clear and honest reading of the regulation allows RMP to backbill Bringard for a period not exceeding 3 months.

**SUGGESTED RESOLUTION:** To resolve this matter, the PSC should limit RMP to backbilling for 3 months as allowed for in the PSC regulations promulgated to address this exact situation. They should not be allowed to ignore the regulations which govern them.

## **Complaint Response:**

Gwen,

Wade Winegar  
Bringard Mill and Molding  
2400 S 2570 W  
West Valley City, Utah

For review:

On July 28, Rocky Mountain Power discovered an equipment problem at the location. With the numerous contacts (mostly phone calls) between the Company and customer, the timeline below indicates the key interactions. Mr. Winegar has been copied to ensure all parties have this written response.

Background / Timeline, 2017:

Jan. 1, 2014 Bringard Mill and Molding began receiving billing for electric service.

2017

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- Jul. 18 Customer requested meter test. (Established accuracy limits are + / - 2%, i.e. allowed range is from 98% to 102%.)
- Jul. 28 The meter tested with an effective accuracy of 100.0 percent, and was placed back into service. While the meter tested within accuracy limits, the visit found that a wire to the meter from the "C" phase CT showed no amps while power was being used. This means the meter was only receiving electricity from two of the three phases, phases "A" and "B", but not "C", though power was being delivered to the customer on all three phases. Company employee spoke to a representative of Bringard Mill and Molding at the site and discussed the need to make repairs.
- Aug. 17 Company contacted Customer to schedule rewiring of the current transformer (CT). It would require a planned interruption in service, and the work was scheduled with the understanding that Mr. Winegar would be out of town until 08/26/17.
- Aug. 26 Current transformer was rewired. The meter was also tested and still showed 100.0 percent effective accuracy.
- Sep. 9 Billing team reviewed field investigation and usage from before repair of the CT wiring and after repairs and calculated the loss at 36% loss. Determination made that the CT issue occurred before the current customer began taking service at the location.
- Sep. 20 A debit adjustment, limited to 24 months per Administrative Rule and Company tariff was calculated at \$52,272. The Company called Mr. Winegar to discuss adjustment, was not able to reach him but was able to leave a voicemail message.
- Sep. 21 The Company spoke directly with Mr. Winegar about the adjustment. He was advised there was \$82,636 estimated in unbilled usage, and adjustment per rule (24 months) was \$52,272. A 24 month interest-free payment plan was offered to the customer. Mr. Winegar expressed frustration and inquired / questioned the rules for billing adjustments. No resolution was reached, and Mr. Winegar was informed he'd be called back to further discuss.
- Sep. 26 Voicemail message left for customer.
- Oct.3 The Company spoke with Mr. Winegar and discussed the adjustment. He was understandably frustrated with the situation, and in an effort to resolve, a reduced adjustment of \$34,467 was offered by the Company. Mr. Winegar rejected lowered offer and wanted to discuss Company Rule 7: Bill Adjustments For Meter Error And Failure To Register. The company explained that the meter tested fine and it was an issue with physical damage to the CT wiring. He advised he would discuss with his accounting department and call back.
- Oct. 5 The Company spoke with Mr. Winegar and again discussed the adjustment. Per previous discussion, the \$34,467 amount was again offered. After discussing at length, the Company offered to adjust the billing for only 12 months, which further reduced the amount to a debit of \$24,798. Mr. Winegar countered with an offer of \$5,000.
- Oct. 18 A voicemail message left for Mr. Winegar reaffirming the proposed debit adjustment for \$24,798.
- Oct. 19 Mr. Winegar was again contacted, and advised the adjustment would be made. Mr. Winegar disagreed, and felt CT wiring should be considered meter error, and therefore limited to a 3 month adjustment. He requested an email explaining the rule that allows the adjustment to be made.
- Oct. 24 An email explaining the application of billing adjustment tariff was sent to Mr. Winegar, please see attached.
- Oct. 26 Mr. Winegar again spoke with the Company and inquired about filing a complaint and disputing the adjustment, and asked for the results of the August 26 meter test.
- Oct. 31 Mr. Winegar was emailed the results of the August 26 meter test. Later, Mr. Winegar was contacted by phone and advised the test results had been emailed to him and the account balance was set up on a 24 month payment arrangement, with \$941.00 installments per month. Later the same day, Mr. Winegar called back and left a voicemail stating he wanted to see the test that shows the failure of the CT.
- Nov. 1 Voicemail message left for Mr. Winegar. On the message he was informed there is not a test record that shows physical damage to a wire, and Company offered to have an employee go out and discuss the CT's and other equipment.

## Summary and Position

On a July 28 visit to test the meter, it was discovered that wire from the "C" phase current transformer had burned up. Although the meter tested fine, the current transformer installation required repairs. The repairs were completed on August 26, and the Company calculated a billing adjustment (per Rule and Tariff), and later communicated the adjustment to Mr. Winegar. The Company recognized Mr. Winegar's frustration with a debit adjustment to his account, and has been offered a reduced adjustment in an effort to resolve the matter.

The customer believes the adjustment should be limited to three months, subject to provisions in Metering Rule 7 (b.) Failure to Register (pertinent part):

"...If a meter does not register, the Company may bill the customer for the estimated power and energy used but not registered for a period not exceeding three months."

However, as is referenced in the October 24 email to the customer (see attached), this 3 month limitation refers to a stopped meter situation. A stopped meter situation should be obvious to the Company and is the reason for the shorter allowed adjustment period. The current transformer issue discovered

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on July 28 is NOT a stopped meter situation, and the 24 month limitation on backbilling applies.

Let me know if you have any questions.

Thank you,

Eric Holje  
Sr Customer Regulatory Analyst, Customer Advocacy & Tariff Policy  
Pacific Power | Rocky Mountain Power | PacifiCorp  
800-532-1626, ext. 2456

C - Wade Winegar, Bringard Mill and Molding

## ATTACHMENT

Wade Winegar,

The tariff information below should answer your question.

There are two Utah regulations that we discussed. The first is Regulation 7. Metering, and the other Regulation 8. Billings.

Regulation 7. Metering

Regulation 7, subsection 3. Meter Tests addresses meter tests. This subsection states if the meter is more than two percent off and the customer has paid a deposit for the test, the deposit is refunded.

Subsection 4. Bill Adjustments for Meter Error and Failure to Register, addresses the adjustments to be made as a result of the meter test.

In addressing the situation where the test shows the meter was running fast or slow, subsection 4(a) states the billing will be adjusted "for the period the meter was in use, not exceeding six months, unless it can be shown that the error was due to some cause, the date of which can be fixed." The reason for this wording is if a meter is running slow or fast it is often not known how long the meter has been slow or fast, and so the meter adjustment is limited to six months. However if we know the cause and the date, then the billing adjustment can be made for a longer period of time.

In 4(b) the first sentence addresses the slow or fast situation ("meter fails to register correctly"), and states adjustments will be estimated from the best available information. The second sentence addresses a special case of slow, which is the stopped or non-registering meter. For this stopped meter situation the bill adjustment limit is three months.

This is because a zero read is unique and

by its uniqueness flags the reading is wrong, which is not necessarily the case for a slow or fast meter. For this case of the meter not registering any usage the power company has the obligation to

act within three months. The last sentence addresses tampering and the right of the power company to collect not just estimated usage but also company expenses in addressing and correcting the problems due to tampering.

Regulation 7, subsection 4 does not address the situation of a wrong meter multiplier, or other errors outside of the meter registering slow, fast or stopped. However if we were to argue that

Regulation 7, subsection 4, does apply, if we can determine the error back to a fixed date then the adjustment would be done to back the date that can be fixed.

But the provisions of Regulation 7, subsection 4(a) of adjustments exceeding six months if the date can be fixed that caused the meter to read slow or fast, has limits. These limits are the same

limits as for a wrong meter multiplier or other errors not addressed in Regulation 7, subsection 4. For this we go to Regulation 8. Billings, subsection 8(d) limitations of the Period for Backbilling.

This subsection limits the backbilling to 24 months, except in the case of fraud which may be for longer than 24 months.

Rocky Mountain Power

Business Solutions

## **Additional Information:**

I Thanked Eric Holje updated and closed this complaint. G. Flores