

---

Formal Complaint of D. Lynn Conger and Michael Paul Adams against Dominion Energy Utah	<u>DOCKET NO. 20-057-03</u> <u>ORDER DISMISSING COMPLAINT</u>
--	--

---

ISSUED: May 7, 2020

**BACKGROUND**

On February 18, 2020, D. Lynn Conger and Michael Paul Adams (“Complainants”) filed a complaint with the Public Service Commission of Utah (PSC) against Dominion Energy Utah (DEU) for receiving estimated bills rather than bills that reflect actual meter reads. Specifically, Complainants allege that they received an “estimated bill for the period to December 31, 2019, in the amount of \$223.71, which was some 2-1/3 larger than any other month in the past year.”<sup>1</sup> Complainants explain that their bills from the February 20, 2019 through December 31, 2019 period reflected a combination of meter reads, guesses, and other methods to calculate the billed amounts.<sup>2</sup> Complainants also described several interactions they had with DEU over some period, highlighting an instance that occurred three years ago in which DEU installed a transponder to get a better reading of their monthly bill.<sup>3</sup> Complainants indicated that the transponder interfered with their television signal and ultimately had to be removed.<sup>4</sup> Complainants concluded that an acceptable option to get more accurate bills was for DEU to install a transponder that would not interfere with their television signal.<sup>5</sup>

---

<sup>1</sup> Formal Complaint filed Feb. 18, 2020 at 1.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 3.

On February 20, 2020, the PSC issued a Notice of Filing and Comment Period. On March 19, 2020, DEU filed its response indicating that it has been difficult for DEU to obtain meter reads at Complainants' home for more than a decade.<sup>6</sup> DEU recounted that from 2006 through 2017, DEU personnel manually read Complainants' meter by using the neighbor's yard. DEU states that in February 2018, the neighbor stopped allowing DEU access through its yard.<sup>7</sup> DEU states that it subsequently offered to install a new transponder and tested it to ensure there would be no interference with Complainants' television signal. DEU further states that the new transponder was installed on March 12, 2020 and that it expects the transponder will provide regular meter reads and therefore eliminate concerns about Complainants' estimated bills.<sup>8</sup>

On April 23, 2020, Complainants filed their reply rebutting DEU's response, but ultimately confirmed that the transponder that was installed in March 2020 is working as intended and therefore that manual reads were no longer needed.<sup>9</sup> Complainants then requested that the PSC: 1) require DEU to warranty the operation of the transponder, 2) permanently enjoin DEU from estimating meter reads in the future, and 3) require DEU to maintain the transponder in perfect working conditions at all times during its service.<sup>10</sup>

### **FINDINGS, CONCLUSIONS, AND ORDER**

According to Complainants and DEU, the recently installed transponder is working and no longer interferes with Complainants' television signal. The transponder will facilitate accurate

---

<sup>6</sup> DEU's Response filed Mar. 19, 2020 at 1.

<sup>7</sup> *Id.* at 2.

<sup>8</sup> *Id.* at 3.

<sup>9</sup> Complainants' Reply to DEU's Response filed Apr. 23, 2020 at 5.

<sup>10</sup> *Id.* at 5-6.

DOCKET NO. 20-057-03

- 3 -

meter reads and accurate monthly bills. We cannot require DEU to warranty the operation of the transponder for several reasons including because there is no evidence on the record that the manufacturer of the transponder provided such a warranty to DEU, nor can we permanently enjoin DEU from estimating meter reads because such flexibility is allowed under applicable laws, rules, and regulations, under certain circumstances. We find that DEU will reasonably ensure the proper operation and maintenance of the transponder given the problematic history with Complainants' account, and expect that DEU will continue to comply with all applicable laws, rules, and regulations. Therefore, the complaint has been resolved and is dismissed accordingly.

DATED at Salt Lake City, Utah, May 7, 2020.

/s/ Yvonne R. Hogle  
Presiding Officer

Approved and confirmed May 7, 2020, as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#313550

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this written order by filing a request for review or rehearing with the PSC 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 PSC 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 PSC'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 Ann. §§ 63G4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on May 7, 2020, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

D. Lynn Conger and Michael Paul Adams  
3153 South 4400 West  
Salt Lake City, Utah 84120-1823

By Email:

Jennifer Clark ([jennifer.clark@dominionenergy.com](mailto:jennifer.clark@dominionenergy.com))  
Arminda I. Spencer ([arminda.spencer@dominionenergy.com](mailto:arminda.spencer@dominionenergy.com))  
Leora Abell ([leora.abell@dominionenergy.com](mailto:leora.abell@dominionenergy.com))  
Dominion Energy Utah

Patricia Schmid ([pschmid@agutah.gov](mailto:pschmid@agutah.gov))  
Justin Jetter ([jjetter@agutah.gov](mailto:jjetter@agutah.gov))  
Robert Moore ([rmoore@agutah.gov](mailto:rmoore@agutah.gov))  
Victor Copeland ([vcopeland@agutah.gov](mailto:vcopeland@agutah.gov))  
Utah Assistant Attorneys General

Madison Galt ([mgalt@utah.gov](mailto:mgalt@utah.gov))  
Division of Public Utilities

Cheryl Murray ([cmurray@utah.gov](mailto:cmurray@utah.gov))  
Office of Consumer Services

---

Administrative Assistant