

In regards to the latest question from the PSC office, “Has the Complaint been resolved?”
The answer is No.

From my response dated 10/12/23, there were **eight** items of discrepancy to be addressed, along with asking DEU to allow me to pay my bill in full at that time and resume regular billing. No agreement to these terms has been presented from DEU since that response.

1. Now that October statement has been billed, the “actual overage” due has been updated to \$45.24 after the \$186 payment was applied on November 9, 2023.

0	1	2	3	4	5	6	7	8
1	<u>Lovato Exhibit 1.0a</u>							
2								
3	Date of Transaction	Payment	Bill	Payoff Balance to date				
4	By 11/11/2023	186	42.45	45.24 Payoff \$45.24, and then owe bill monthly in full.				
5	By 10/11/2023	186	16.93	188.79 Payoff, and then owe only \$42.45				
6								
7	<small>CONFIDENTIAL - SUBJECT TO UTAH PUBLIC SERVICE COMMISSION RULES R746-1-602 AND 603</small> <small>DOCKET No. 23-057-14</small> <small>DEU CONFIDENTIAL EXHIBIT 1.03</small> <small>PAGE 2 OF 2</small>							
8	1	2	3	4	5	6	7	8
9	Date of Transaction	Financial Transaction Type	Current Amount	Current Balance	Payoff Amount	Payoff Balance		
10	2	9/8/2023 Pay Segment	(\$186.00)	\$0.00	(\$186.00)	\$357.86		
11	3	8/30/2023 Fix budget, adjust cur bal	(\$25.00)	\$186.00	\$0.00	\$543.86		
12	4	8/17/2023 Bill Segment	\$211.00	\$211.00	\$14.36	\$543.86		
13	5	8/17/2023 Budget Synch cur bal w/ payoff bal	\$529.50	\$0.00	\$0.00	\$529.50		
14	6	8/10/2023 Pay Segment	(\$117.00)	(\$529.50)	(\$117.00)	\$529.50		
15	7	8/1/2023 Set Current Amount	(\$529.50)	(\$412.50)	\$0.00	\$646.50		

2. Even after DEU admitted, and corrected one area on their website, DEU’s own Tariff and websites continue to reflect improper descriptions, stating time and again the Budget Bill review will occur annually. This plan in its entirety across all DEU platforms has not yet been corrected and is still being misrepresented as achieving billing “evenly” as is stated in their own Tariff.
 - a. The Tariff also states current rates will be charged, yet taking bills from the previous year, charging 15% across the board, even the months that were paid in full.
 - i. They take this “rate corrected” amount and it becomes my new monthly standard charge going forward.
 1. This piece MUST be corrected for every customer.

- a. For me alone, they would have illegitimately charged \$130 excess in rate differences. (Spreadsheet below updated to reflect actual with difference from initial review per DEU.)

35	1	2	3	4	5	6	7	8
36	Lovato Exhibit 1.02a							
37								
38	*If rate changes reflected actual DEU dates from original review for 2023							
39	Average bill	# of months	Rate ↑	Total w/rate ↑				
40	138	5	0	0.00				
41	138	2	4.03	11.12				
42	138	5	15.55	107.30				
43				118.42				
44								
45	**If DEU \$138 and rate changes not current				Excess charged without current rates used:			
46	138	12	15	248.40	248.40-118.42=	129.98		

Step 3	Determine Rate Increases that have occurred since Budget was last reviewed:	<table border="1"> <thead> <tr> <th>Effective Rate Change Date</th> <th>Cause for Change</th> <th>Percent Change</th> </tr> </thead> <tbody> <tr> <td>January 1, 2023</td> <td>General Rate Case</td> <td>4.03%</td> </tr> <tr> <td>March 1, 2023</td> <td>Pass-Through</td> <td>11.52%</td> </tr> <tr> <td colspan="2">12-Month Total</td> <td>15.55%</td> </tr> </tbody> </table>	Effective Rate Change Date	Cause for Change	Percent Change	January 1, 2023	General Rate Case	4.03%	March 1, 2023	Pass-Through	11.52%	12-Month Total		15.55%
	Effective Rate Change Date	Cause for Change	Percent Change											
	January 1, 2023	General Rate Case	4.03%											
March 1, 2023	Pass-Through	11.52%												
12-Month Total		15.55%												
Multiply Month Dollar Owed by Rate Increase:	$\$138 * (1 + 0.15) = \158.00 <p><i>Average % increase is 9.74%</i></p>													

- b. The Billing Options and Assistance page states, “Avoid seasonal swings with Budget Billing.” Yet, this is not the case if they review FIVE months early, as was done in my case, and any other case reviewed before the annual period.
- i. DEU admitted to over-collection in their initial response. You cannot call this program an assistance program for customers, especially if we will end up paying more, and as you will see, **NOT “evenly”** if allowed to continue in this manner.
 - ii. Had I not filed an official complaint, the budget billing, options and assistance program, set-up to benefit consumers, would have over-charged me at this point, an additional \$58 per month.
 1. As a reminder, there is still one month missing from my “annual” review since my enrollment, and at the date of this response.
 - a. This account would have been without question, over-billed further at the annual mark, with no consumer recourse until the next review a year after the fact.

- b. The under-bill at year two, or excess would then be provided back, and this accounting injustice will begin all over in year three where the overage will again have to be billed-back to me. How can this be called “evenly” billed, when you can plainly see it is a yo-yo cycle billing, perhaps improving over time, but ultimately confusing and not assisting the consumer.
- i. If DEU’s Budget Bill program has not been maintaining happy consumers, or enrollment continually increases and declines, I would begin to ask if this might be the reason.
 - ii. Multiply all the excess years by the number of consumers in the program, and ask if DEU does NOT benefit financially if this program is not corrected.

Lovato Exhibit 1.01a				Lovato Exhibit 1.01a			
Rate change by month	Bill	Paid	Payoff balance	Add'l due/mo	Rate increase	Add'l % cost	Total due w/rate increase
Paid in full 11/16/2022	127.44	127.44	0		0	0	127.44
10/18/2023	42.45	186	-45.24	3.77	15.55	6.60	49.05
9/19/2023	16.93	186	-188.79	15.7325	15.55	2.63	19.56
8/17/2023	14.36	186	-357.86		15.55	2.23	16.59
7/19/2023	14.4	117	-529.5		15.55	2.24	16.64
6/16/2023	22.64	117	-632.1		15.55	3.52	26.16
5/16/2023	74.13	117	-726.46		15.55	11.53	85.66
4/18/2023	234.18	117	-769.33		15.55	36.41	270.59
3/16/2023	250.2	117	-652.15		15.55	38.91	289.11
2/16/2023	291.52	117	-518.95		4.03	11.75	303.27
1/19/2023	332.9	117	-344.43		4.03	13.42	346.32
12/15/2022	245.53	117	-128.53		0	0	245.53
	1666.68						1795.92
							Actual rate ↑/12 mo
							149.66
							Actual Budget bill with Add'l due/mo
							153.43
							211-153.43= 57.57 Over-charged per month

3. From their own explanation in their Exhibit 1.0, they state, “...customers appreciate consistent monthly charges, rather than budgeting for lower and higher bills...”
- a. This is exactly the opposite of what was done in my case, and in ALL cases where a full year of enrollment is not included in the first review, AND with actual rates NOT charged accordingly.

Resolution #1 – to correct the Budget Billing program

In the final statement, I asked the PSC judges to consider the National Consumer Law Centers admonition for utility companies to be held accountable for economic justice. What I am certain of is DEU has illegitimately marketed, and been allowed to continue illegal accounting practices that will NOT benefit the consumer long-term, and in fact should not be allowed to be described as an assistance program, unless they are only allowed to review at the annual mark in the first year enrolled, and only allowed to bill at the current rate increases. Something I believe to be easily correctable on their part, considering other utility services do this well.

Resolution #2 – to close this complaint by Ms. Lovato

Final payoff, at this date for Ms. Lovato to DEU as of mid-November = \$45.24, with regular billing going forward beginning with November 2023 statement, is now my final request, especially in the event Resolution #1 is not resolved. I refuse to continue in an assistance program that will ultimately financially benefit DEU, and create continual confusion for the consumer with yo-yo billing cycles.

Docket No. 23-057-14

This complaint has NOT been resolved.

Respectfully written, created, and signed by Nicole Rae McLaughlan Lovato.



Nicole Rae McLaughlan-Lovato