

Informal Complaint Report

Index Number: 5025 **Company Name:** Eagle's Landing Water Company

CUSTOMER INFORMATION

Customer Name: Eagle's Landing Residents, Birdseye, UT **Account Number:**
Other Contact Info: Brent & Raeleen Duncan **Phone Number:** (801) 687-6699
Customer Address: **Other Phone:** (801) 420-6213
Customer Address: 19638 South Buckskin Circle **Email Address:** info@lqd8r.com
City: Birdseye **State:** UT **Zip Code:** 84629

COMPLAINT INFORMATION

Type of Call: Complaint **Complaint Type:** Rate & Tariff
Date Received: 8/15/2013 **Date Resolved:**
Complaint Received By: Maria Martinez **DPU Analyst Assigned:** 0
Utility Company Analyst:
Company at Fault: **Actual Slamming Case:** **Actual Cramming Case:**

Complaint Description:

Complaint #1
UTILITY CUSTOMER:
FROM: Brent/Raeleen Duncan
PHONE: 801-687-6699
OTHER PHONE: 801-420-6213
EMAIL: info@lqd8r.com
IP: 205.197.213.175

SERVICE ADDRESS:
19638 South Buckskin Circle
Birdseye, UT 84629

MAILING ADDRESS:
HC 13 Box 312
Fairview, UT 84629

UTILITY: Eagles Landing Water Company
ACCOUNT NUMBER: NA

COMPLAINT TYPE: Rate And Tariff
COMPLAINT: I have had correspondence with Mark Long and Maria Martinez. The tariff states that we should be charged \$35 per month, but we have been charged \$55 each month.

SUGGESTED RESOLUTION: I believe that we should be reimbursed for the money that we have been overcharged.

BACKGROUND from an Unresolved Complaint in July of 2012:

We are a community of 11 homes and receive our water through a private water company. We just received a water bill of \$110 (No sewer or garbage, just water). We have been told that our bill year round would be \$55 to account for fluctuation of water usage throughout the year. The attached note stated "Due to high water usage this year, water rates will be raised to \$110.00 for the period of June 2012 to October 2012. After that time water rates will return to \$55.00. End of Statement. Our meters are never read. (One resident does not yet have grass on his property). Two weeks ago we as a community were without power for 3 days, so we requested that the owner put in a generator so that we could use the pump to pull up more water. He finally agreed to get an electrician here to install the proper electrical, but required us as homeowners to pay for the use of the generator. (We agreed

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because we needed water, and determined that we would rent a generator and divide the costs among the 10 homes that are currently occupied. My understanding is that the water company is required to pay for things necessary to provide water to our community. One of our residents goes to the pump house 2-3 times a week to turn on the pump, but he is never reimbursed for his time or travel expenses. We as a community are grateful for this resident's desire to take care of this issue so we have water as it is needed.) My understanding is that rates cannot be arbitrarily increased on the whim of the owner of the water company. I have not spoken with the water company. We have been told this situation arose in the past and the owner was told he could not raise the rates. I believe that was when the \$55 a month rounded rate was implemented.

Complaint #2

UTILITY CUSTOMER:

FROM: Ronald & Diane Workman
PHONE: 801-874-5245
OTHER PHONE: 520-207-7889
EMAIL: dworkman2009@gmail.com
IP: 64.77.240.159

SERVICE ADDRESS:

4576 Cougar Run
Fairview, UT 84629

MAILING ADDRESS:

HC13 Box307
Fairview, UT 84629

UTILITY: Eagles Landing Water Company
ACCOUNT NUMBER: none

COMPLAINT TYPE: Additional Charges

COMPLAINT: We moved in 1/28/2011 and have paid \$55.00 monthly for water when we should have paid \$35.00 monthly per tariff. Mr. Dave Olsen said we could omit paying for (2013 only) summer months since my husband, Ron takes care of turning on/off the water pumping system. (Have not paid monthly bill for past two months.) This was only a verbal communication and wouldn't be surprised if Mr Olsen does not admit to saying it.

SUGGESTED RESOLUTION: Think monthly over-payments should be paid back by not having to pay for water for equal amount of over-payment months.

COMPLAINT #3

UTILITY CUSTOMER:

FROM: John and Mary Gavril
PHONE: 8018733334
OTHER PHONE: 8013617817
EMAIL: gavril1@cut.net
IP: 205.197.213.74

SERVICE ADDRESS:

19659 S. Lariat Circle
Fairview, UT 84629

MAILING ADDRESS:

HC 13 Box 302
Fairview, Ut 84629

UTILITY: Eagles Landing Water Company
ACCOUNT NUMBER: not sure

COMPLAINT TYPE: High Bill

COMPLAINT: Rates for our water go beyond the approved rate. We have been billed \$55 a month since April of 2012 (when we moved in)

SUGGESTED RESOLUTION: Bill the appropriate rate and refund previous months.

COMPLAINT #4

My name is Dustin Bates, I am contacting you in regards to a complaint that has been filed with your office. The complaint is that Eagles Landing Water Company, should have been charging us \$35 a month for water and we have been paying a \$55 premium since we moved into our home in March of 2012. We would like to participate in the complaint process. Our contact information and physical address is as follows:

Dustin and Brenda Bates
Physical Address: 19694 South Elkhorn Circle Birdseye, UT 84629

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Mailing Address: HC 13 Box 313 Fairview, UT 84629
Phone: 801-873-3151
email: dandbbates@yahoo.com

We have been over charged for our water since March, 3, 2013 This is the date that we moved into this house.

We would appreciate a refund of the amount that was overcharged.

Please feel free to contact us if we need to do something further in this complaint process.

Thanks

COMPLAINT #5 - 10-25-2013
Bill Richins
4529 East Cougar Run,
Birdseye, UT 84629
801-372-5038
bill.richins@gmail.com

Mailing Address:
HC 13 Box 310
Fairview, UT 84629

Mr. Bill Richins called today to inquire about whether or not Eagle's Landing Water Company would shut off his service if a \$4000 meter installation fee isn't paid. Mr. Richins stated that he purchased his home approximately six months ago which was built in 2008 and has an existing meter. Mr. Richins claims that there have been previous owners there, but he stated that the Company said since the previous owners didn't pay the initial meter installation fee, it was now the responsibility of Mr. Richins. Mr. Richins received a 10-day invoice from the Company that the \$4000 fee is needed to be paid by 10/31/2013 to avoid service termination. When Mr. Richins called the Company to dispute his responsibility for the fee, he claims that they would not budge on their demand.

-Erika Tedder-

COMPLAINT #6 - 10-25-2013
Jessica and Trevor Butterfield
4594 Cougar Run,
Birdseye, UT 84629
PH#801-830-6639

Mrs. Butterfield states that her husband had built their house over 2 years ago. She doesn't understand why they are now just receiving a bill for an activation fee of \$100 and a meter fee of \$1000. Mrs. Butterfield adds that there is nothing in the company tariff that states a fee of \$1000.

COMPLAINT #7 - 10-28-2013
Gene Allen
19643 Lariat Circle,
Birdseye, UT 840629
PH #801-873-3438

Mr. Allen states that he bought his property from a bank 3 years ago. He is the third owner. He was never made aware that the meter fee was never satisfied. He just received a bill from the Company in the amount of \$4100 payable within 10 days.

COMPLAINT #8 - 10-28-2013
Bryan and Teresa Young
19719 Elkhorn Circle,
Birdseye, UT 84629
Cell #520-310-8921

Mr. Young states that he has been paying a monthly charge of \$55 since December of 2012.

Complaint Response:

9-17-2013
Mr Olsen,

This complaint also has passed the 30 day extension. I need a response from you so that I can close this Informal Complaint and can advise the complainants to file a Formal Complaint with the Public Service Commission should there be no resolution in this informal complaint process.

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Maria

9-18-2013
Mr. Olsen,

As I stated in my follow up email to you yesterday, this complaint has passed the 30 day extension per UT Public Service Commission Rule R746-200-8 (A). It states,

"The utility shall make reasonable efforts to complete any investigation and resolve the dispute within 30 calendar days. A proposed solution may be that the utility request that the informal complaint be dismissed if, in good faith, it believes the complaint is without merit. The utility shall inform the Division employee of the utility's response to the complainant, the proposed solution and the complainant's acceptance or rejections of the proposed solution and shall keep the Division employee informed as to the progress made with respect to the resolution and final disposition of the informal complaint."

Please respond immediately.

Maria

Additional Information:

9-18-2013
On Wed, Sep 18, 2013 at 12:19 PM, J. Craig Smith <jcsmith@smithlawonline.com> wrote:
Ms. Martinez,

I was just forwarded your e-mail by David Olsen. Would it be possible to set up a meeting on this matter? I will be at the Commission on Friday on another matter. Mr. Olsen is also available on Friday. If 2:00pm on Friday would work for your schedule, it would be ideal for us. If that time does not work please let me know other dates and times that are available. Thank you.

Craig
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Smith Hartvigsen New Logo Atty at Law
SMITH HARTVIGSEN PLLC
Walker Center, Suite 300
175 S. Main Street
Salt Lake City, Utah 84111
801-413-1600
801-413-1620 fax
877-825-2064 toll free
jcsmith@smithlawonline.com
www.smithhartvigsen.com

9-18-2013
From: Marialie Martinez [mailto:marmartinez@utah.gov]
Sent: Wednesday, September 18, 2013 3:17 PM
To: J. Craig Smith; Duncan, William; Long, Mark
Subject: Re: Residents of Eagle's Landing, Birdseye, UT Complaint

Mr. Smith,

Do you wish to set up a meeting to discuss how the Informal Complaint process works and how to respond to it or is it about a rate case?

I don't see it necessary to have a meeting over a response I'm requiring Mr. Olsen to provide me so I can close the Informal Complaint. Commission Rule R746-200-8 (A) Informal Review I thought is clear on how a utility company should respond to a complaint.

I'd be happy to send you a copy of the Rule as well as the two informal complaint reports I need Mr. Olsen to respond to.

Please feel free to call or email me if you have further questions.

Thanks,
Maria

9-19-2013
On Thu, Sep 19, 2013 at 6:32 PM, J. Craig Smith <jcsmith@smithlawonline.com> wrote:

Ms. Martinez,

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I actually hoped to be able discuss the larger issue of the financial viability of the Company. It is currently not able to meet its monthly obligations and is only surviving due to regular cash infusion by Mr. David Gardner. As you may or may not know, the Company was designed to serve over 100 connections but only serves a fraction of that number, due to the fact that most of the development was never built.

At this time Mr. Gardner is unable to retain my services or services of any legal counsel due to lack of funds. We were hoping to be able to discuss this issue and any thoughts that the Division may have on what steps we could take to make the Company financially viable. Frankly, if the financial situation doesn't change soon there will not be a Company to complain about and the residents will be left to their own devices for drinking water. I know that this is something that the Division has faced before, thus we are seeking your input.

Please let me know if the Division would like to meet and discuss this issue. Thanks.

Craig

9-20-2013

From: Marialie Martinez <marmartinez@utah.gov>

Date: Fri, Sep 20, 2013 at 11:50 AM

Subject: Re: Residents of Eagle's Landing, Birdseye, UT Complaint

To: "J. Craig Smith" <jcsmith@smithlawonline.com>

Cc: "Duncan, William" <wduncan@utah.gov>, "Long, Mark" <mlong@utah.gov>, David Olsen <david@redrockcapital.co>

Mr. Smith,

My section handle's Informal Complaints only. What you wish to discuss with the Division may be best requesting a meeting with the Water and Telecom section such as Bill Duncan and Mark Long. I'm unsure of whether they are in a position to advise you on what steps the company could take to make it more financially viable. You may contact Bill or Mark directly in regards to your questions.

What I need from Mr. Olsen is to send me a response to the two complaints I sent him so that I can close it. Attached are the two informal complaint reports for your review as well as a copy of the UT Public Service Commission Rule R746-200-8 Informal Review Process.

Mr. Olsen needs to explain to the complainants why he is charging more than what the approved tariff rate is.

The first complaint (Terry and Lisa Orr) I kept separated from the rest of the other complaints because it is about getting the water lines marked.

The second complaint I combined into one under (Eagle's Landing Residents) because it is about the same issue. There are a total of 4 complainants that Mr. Olsen needs to respond to regarding the monthly rate charge. Again he needs to explain why he is charging more than what is in the approved tariff. The report has all the names and contact information of each.

Mr. Olsen may send me a copy of the letter he sent each of the complainants if he did do so, or send me a summary of the communication and resolution if there was one.

Once I receive a response from Mr. Olsen, I can close the Informal Complaint. If the complainants are not satisfied with the result of the Informal, then it is their right to file a Formal Complaint with the Commission.

Thanks,
Maria

9-24-2013

Mr. Smith and Mr. Olsen,

I just wanted to follow up and send another reminder that I have not yet received a response regarding my last follow up email last Friday.

It has been over 30 days and I haven't received acknowledgement that Mr. Olsen will send a response to the complaints I sent.

I will then consider this Informal Complaint unresolved and will proceed to advise the complainants to file a Formal Complaint with the UT Public Service Commission.

Maria