



State of Utah
Department of Commerce
Division of Public Utilities

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MEMORANDUM

TO: Public Service Commission

FROM: Division of Public Utilities
Chris Parker, Division Director
William Duncan, Telecom and Water Manager
Mark Long, Utility Analyst
Marialie Martinez, Customer Service Manager

DATE: December 04, 2013

RE: 13-2477-02 – In the matter of Formal Complaint of Duncan, Gavril, Workman, Bates, et al vs. Eagles Landing Water Company LLC

Recommendation: Schedule a Hearing

Complaint Analysis:

On August 15, 2013, the Division of Public Utilities (Division) received and processed four of Eagles Landing Water Company residents' (Residents) informal complaint against Eagles Landing Water Company LLC (Company). On October 25, 2013, four more residents contacted the Division to file a complaint against the Company.

The *First* complaint were from Brent and Raeleen Duncan. The Duncan's stated that the Company has been charging them \$55 per month instead of the approved tariff amount of \$35. The Duncan's added that in June of 2012, they received a water bill, not including sewer and garbage from the company for the amount of \$110. An attached note to the bill stated, "Due to high water usage this year, water rates will be raised to \$110 for the period of June 2012 to October 2012. After that time water rates will return to \$55." The Duncan's stated that their water meter is never read.

Two weeks prior, the Duncan's added that the community were without power for three days. The Duncan's and the other residents requested that the Company install a generator to be able to use a water pump to generate more water pressure. The Company agreed to hire an electrician to install the generator but required the residents to pay for the installation and the generator. The residents agreed due to the need and importance of having it. The Duncan's feel that it is the Company's responsibility to pay for the generator in order to provide water service to their

community. In addition, one of the residents goes to the water pump house two or three times a week to turn the water pump on. This resident has never been reimbursed for his time and travel expenses. Turning the water pump on should be the Company's responsibility.

The *Second* complaint were from Ronald and Diane Workman. The Workman's stated that they have been paying **\$55** for their water service since moving in their home in January 28, 2011. In addition, the Workman's were told verbally by the Company's President, Mr. Olsen to omit from paying for their water bill for the summer months of 2013 because Mr. Workman takes care of turning the water pump system on and off.

The *Third* complaint were from John and Mary Gavrila. The Gavrila's has been paying **\$55** monthly for their water service since they moved in their home in April of 2012.

The *Fourth* complaint were from Dustin and Brenda Bates. The Bates's has also been paying **\$55** for their water monthly since moving in their home in March of 2012.

The *Fifth* complaint were from Bill Richins. Mr. Richins contacted the Division in October 25, 2013 to inquire whether or not the Company can shut off his service if a meter installation fee was not paid. Mr. Richins stated that he purchased his home approximately six months ago which were built in 2008 and has an existing meter. Mr. Richins was not the first owner. He was told by the Company President, Mr. Olsen, that because the previous owners did not pay for the initial meter installation fee, the responsibility of paying it now falls on Mr. Richins. A 10-day invoice for **\$4000** from the Company was received to be paid by October 31, 2013 to avoid service termination. Mr. Richins contacted the Company to dispute the bill but no end resolution.

The *Sixth* complaint were from Jessica and Trevor Butterfield. Mrs. Butterfield stated that her husband built their home over two years ago. They recently just received a bill for an activation fee of **\$100** and a meter fee of **\$1000**. Mrs. Butterfield disputes the charges because nothing in the Company's approved tariff states a meter fee for **\$1000**.

The *Seventh* complaint were from Gene Allen. Mr. Allen stated that he purchased his home from a bank three years ago. Mr. Allen is the third owner. He was never made aware that the meter installation fee was never satisfied. Mr. Allen recently received a bill from the Company for **\$4100** payable within 10 days to avoid service termination.

The *Eighth* complaint were from Bryan and Teresa Young. Mr. Young stated that they have been paying **\$55** for their water service since December of 2012.

Company Response:

The Company was sent follow up emails to respond to the informal complaint but failed to comply according to the Commissions' Informal Review Process Rule R746-200-8. Due to the Company's noncompliance, the complainants were advised to proceed with filing their Formal Complaint with the Commission.

Division Review and Recommendation:

Based on the Division's review of the Company's Tariff Schedule of Rates, Rules and Regulations, the Company is clearly not in compliance of its Commission approved tariff. The Division, therefore recommends that a hearing be scheduled.