

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

LISA KIMBALL)	
)	CASE NO. AVU-E-00-3
Complainant,)	
)	
vs.)	
)	
AVISTA CORPORATION DBA)	
AVISTA UTILITIES—)	
WASHINGTON WATER POWER)	
DIVISION,)	ORDER NO. 28298
)	
Respondent.)	

On February 3, 2000, a formal complaint was filed by Lisa Kimball against Avista Corporation dba Avista Utilities—Washington Water Power Division (Avista; Company).

The underlying action is a billing dispute involving Avista’s use of an incorrect meter multiplier in bill preparation. Recalculating and reaching back three years, the maximum period permitted under *Idaho Code* § 61-642 and Commission Utility Customer Relation Rule 204, the Company has demanded an additional \$1502.79 from Ms. Kimball. Avista notified Ms. Kimball by letter in December 1999 that an incorrect multiplier had been used to calculate her bill since the meter was installed in 1991. Ms. Kimball is aware that the Commission has already considered and dismissed a similar complaint (Mountain Mart Exxon—Dale Sorbell, Case No. AVU-E-99-7) but she contends her complaint is different. From the time she moved into her home in 1991, the multiplier was incorrect, so Ms. Kimball states that she has no time frame of reference and therefore did not suspect that her bills were incorrect. In her letter to the Commission, she states she “shouldn’t be responsible for [the Company’s] total incompetence.” She asserts that a business must “depend on having accurate staff and if they make a mistake you just have to adjust it off. Avista should operate like a professional business and adjust off the balance.”

Staff reports that Avista has agreed to amortize the \$1502.79 over five years rather than three, making Ms. Kimball’s monthly payment \$25 plus her current bill. The Company

has also agreed to perform an energy audit to assess a twofold increase in metered energy from the previous year.

The Commission Staff has concluded that Avista acted appropriately in back billing Ms. Kimball pursuant to IPUC Utility Customer Relation Rule 204. Staff contends that the Commission cannot ask Avista to ignore the rule or grant an exception to the rule. Ms. Kimball has been informed of Staff's position, but she disagrees and requests that her complaint be taken up formally by the Commission.

COMMISSION FINDINGS

The Commission has reviewed and considered the filings of record in Case No. AVU-E-00-3, together with the applicable statutes (*Idaho Code* § 61-315 Discrimination and Preference Prohibited; § 61-642 Overcharge—Recovery of Payment) and Rules (IDAPA 31.21.01.204). Based on our analysis of the information presented, we find that the Company's rebilling of Lisa Kimball comports with authorized practice and is in compliance with the Commission's Utility Customer Relation Rule 204. We decline to cause a summons to issue in this matter or to require further process for what is otherwise a collection matter. All customers of Avista should be treated similarly. We are not insensitive to the fact that enforcement of the rules may result in personal hardship—indeed such hardship is claimed in this case by Ms. Kimball. In this case, however, as in all cases of similar nature, the Rule and law control. The relief requested by Ms. Kimball is preferential treatment prohibited by *Idaho Code* § 61-315. Having so determined, we find it reasonable to dismiss the formal complaint of Lisa Kimball in Case No. AVU-E-00-3.

CONCLUSIONS OF LAW

The Commission has jurisdiction over Avista Corporation dba Avista Utilities—Washington Water Power Division, an electric utility, and the issues presented in this case pursuant to the power and authority granted under *Idaho Code* Title 61, the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.* and the Commission's Customer Utility Relation Rules, IDAPA 31.21.01.000 *et seq.*

ORDER

In consideration of the foregoing and as more particularly described and qualified above, IT IS HEREBY ORDERED that the complaint of Lisa Kimball against Avista Corporation dba Avista Utilities—Washington Water Power Division in Case No. AVU-E-00-3 is dismissed.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this _____ day of December 2002.

DENNIS S. HANSEN, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

PAUL KJELLANDER, COMMISSIONER

ATTEST:

Myrna J. Walters
Commission Secretary

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