

FORMAL COMPLAINT

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IDAHO PUBLIC
UTILITIES COMMISSION

May 25, 2021

Nicole Burbank
3890 East Ash Ln.
Rigby, ID 83442
Ph.: (208) 604-4177
Email: nursenikki0818@gmail.com

ROC-W-21-01

Complaint against: **Rocky Mountain Utility Company Inc.**
2nd North Landmark Lane Suite #4, Rigby, Idaho 83442.

Facts:

- On April 30, 2021 a man entered the property of 3890 East Ash Ln. Rigby, ID 83442 owed by one Nicole Burbank, and hand delivered a *Notice of Intent to Terminate Services*, see **Exhibit "A"**.
- On April 30, 2021, Ms. Burbank filed a complaint with the Public Utilities Commission, with assistants from Paralegal Blake Schaat.
- On May 6, 2021, Jolene Bossard, Utilities Compliance Investigator made contact with Paralegal Blake Schaat on behalf of Nicole Burbank's complaint.
- On May 20, 2021, Jolene Bossard, closed the investigation.

Ms. Burbank states the following:

The fraud and extortion committed by Rocky Mountain Utility Company Inc. (RMUCI) is one not only on Ms. Burbank but on over a hundred residents (Customer's) in her subdivision. First, RMUCI never gave Ms. Burbank a *Terms of Agreement* or *Contract* for water (Utility) service. Nor have they given any written contractual agreement of RMUCI terms and conditions for water (Utility) usage. Ms. Burbank's builder hooked into the RMUCI waterline without giving Ms. Burbank notice. Then due to confusion, moneys were paid to RMUCI.

RMUCI allegedly sent out bills that Ms. Burbank did not receive. When Jolene (investigator) provided some billing statements that RMUCI provided her for her "investigation", the bills provide by RMUCI were a complete mess. To give the appearance that RMUCI was not violating the deposit amount set out in the Idaho Public Utilities Commission 31.21.01 – Customer Relations Rules for Gas, Electric, and Water Public Utilities they labeled the deposit a "hookup fee". RMUCI violated the IPUC more specific sub section 102 and based the deposit off her sex, marital status and children. They did so by overcharging Ms. Burbank. In IPUC 31.21.01 Sub. section 105.01. "service will not exceed one-sixth (1/6) the amount of reasonably estimated billing for one (1) year at rates then in effect". RMUCI did a line-item change and called the deposit a "hookup fee". Then to increase the water bill every month without coming to

the Idaho Public Utilities Commission and filing the proper documents, they added multiple line items to the Utility bill, **see Exhibit "B"**.

Rocky Mountain Utility Company Inc. violated their own Tariff by increasing the cost of water through adding line items in the water (utility) bill. By allowing Rocky Mountain Utilities Inc. to put line items in the water (utility) bill, this is a clear violation of Idaho Public Utilities Commission rules and procedures. As you know you can then extort through threats of shutting off water to a house if the bill is not paid. RMUCI tactic of adding line items in the bill and then increasing the line items is Fraud and Extortion. This fraud and extortion seemed to go without challenge. I assume for fear of their water (utility) being shut off...

In accordance with IPUC 31.21.01 Sub. section 200 through 207 it's my understanding RMUCI almost violated every rule and procedure.

- In 201.01(a) Billing statement issues, Ms. Burbank did not receive billing statements.
- In 201.01(b) Period covered, Ms. Burbank did not receive this information.
- In 201.01(c) "The billing statement must be clearly marked as estimated if meter data is unavailable." The bills provided by investigator, shows none of this.
- In 201.01(d) Due date, automatic payment authorized; never listed, never received.
- In 201.01(e) Itemization of charge; there were multiple charges unrelated to Utility's that the investigator provided.
- In 201.01(g) Any amount past due; never provided.
- In 201.01(h) Payments made; this was never provided only provided by investigator.
- In 201.01(i) The total amount due; once again never provided, only provided by investigator.
- In 202.01 Due Date and considered delinquent; RMUCI never followed this.
- In 203.01 Billing Error; there was failure to bill correctly and send out notice.
- In 203.02 Billing under incorrect rates; over billing.
- In 203.03 Rebilling time period; RMUCI did not follow this protocol and rule.
- In 206.01 through 207- RMUCI did not follow any rules, when requests were made, partial or modified documents were provided to the Investigator. Not to the Customer.

RMUCI added multiple line items to Ms. Burbank's bill, one included a "septic", Ms. Burbank has a septic tank on her property and must maintain and pump out on a regular basis using her own funds. This should be no concern to the Public Utilities Commission and only brought up because the investigator found that that line item should be exempt and "ok" to be added to a utilities bill. For RMUCI to use line items in a utility bill unrelated to "gas" "electric" is extortion and fraud.

- Rocky Mountain Utility Company Inc. over billed her deposit in the amount of \$850.00 and then billed her \$97.50 for the same month 3-20-2020.
- RMUCI over billed Ms. Burbank every month in the tune of \$58.00 a month;
- RMUCI violated 109.02 of the IPUC 31.21.01 retention of records, upon request for documentations, NEW documents were drafted and sent through Investigator.
- RMUCI does not have a meter on her property for water usage but more important for **water pressure**; No one has investigated the water pressure to this day.

- RMUCI billing practices are not in accordance with IPUC's Rules ;
- RMUCI terms and conditions for water usage have not been disclosed;

Pray for Relief

In accordance with IPUC 31.21.01 Sub. section 200.04 Refund; Ms. Burbank request that all over payments for monthly services and the over charge for the deposit be refunded or put towards future water usage. Ms. Burbank request RMUCI to follow the proper procedures for billing laid out in the IPUC. Ms. Burbank request a Utilities bill only and for that bill to be sent to her home at the address listed above. Ms. Burbank request that the IPUC issue any and all thing that are deemed and proper and apprioate.

Date: May 26, 2021.



Nicole Burbank

NOTICE OF INTENT TO TERMINATE SERVICES

Today's Date 4/29/2021

Final Date 4/30/2021 _____ We have sent multiple letters but have not received any response. If the balance is not paid, or arrangements made by tomorrow you water will be disconnected.

Name Nicole Lee Burbank
Service Address 3890 East Ash Ln
Rigby, ID 83442 _____

Account Balance \$ 877.50

You are hereby notified that you are delinquent in the payment of charges for Water or Sewer Service provided to you by *Rocky Mountain Utility Co., Inc.* The balance of your account, according to our records, is indicated above.

In accordance with the rules and Regulations of the Idaho Public Utilities commission, if this balance is not paid, or if payment arrangements are not made by the Final Date shown above, **YOUR WATER SERVICE WILL BE DISCONNECTED** after the Final Date.

To avoid termination you must contact Rocky Mountain Utility co. before the Final Date to make a payment arrangement or pay in full. **Please call on weekdays between 9:00 AM and 5:00 PM and ask for billing/collections.**

Termination may be delayed by:

1. Providing a medical certificate advising us of the existence of a Medical Emergency.
2. Filing a complaint regarding the proposed termination with the Idaho Public Utilities Commission, P.O. Box 83720, Boise, ID 83720 (1-800-432-0369).

Termination of service in no way relieves you of your obligation to pay for all services prior to termination.

Should service be terminated, a charge for restoration of service (\$20.00 during office hours, \$40.00 after hours) must be paid, plus the account balance prior to restoration of service.

Rocky Mountain Utility Co. will, one time, assist you by making payment arrangements not requiring immediate payment in full, if you contact us prior to the Final Date to arrange such a payment plan.

Remember, your water will be turned off after the Final Date unless you act before the Final Date.



Rocky Mountain Utility Company, INC.
 2 N. Landmark Lane Suite # 4
 Rigby, ID 83442
 208-745-6443

Statement

Date
5/10/2021

To:
Nicole Lee Burbank 3890 East Ash Ln Rigby, ID 83442

		Amount Due	Amount Enc.		
		\$975.00			
Date	Transaction	Amount	Balance		
02/29/2020	Balance forward		0.00		
03/20/2020	INV #4271. Due 03/20/2020.	850.00	850.00		
	--- Hook up fee \$850.00				
03/20/2020	PMT #29924.	-850.00	0.00		
03/20/2020	PMT #29924.	-39.50	-39.50		
03/20/2020	PMT #29924.	-43.00	-82.50		
03/20/2020	PMT #29924.	-15.00	-97.50		
04/01/2020	INV #4272. Due 04/01/2020.	97.50	0.00		
	--- Water \$39.50				
	--- Septic \$58.00				
04/21/2020	PMT #667996.	-39.50	-39.50		
04/21/2020	PMT #667996.	-43.00	-82.50		
04/21/2020	PMT #667996.	-15.00	-97.50		
05/01/2020	INV #4404. Due 05/01/2020.	97.50	0.00		
	--- Water \$39.50				
	--- Septic \$58.00				
06/01/2020	INV #4517. Due 06/01/2020.	97.50	97.50		
	--- Water \$39.50				
	--- Septic \$58.00				
07/01/2020	INV #4631. Due 07/01/2020.	97.50	195.00		
	--- Water \$39.50				
	--- Septic \$58.00				
08/03/2020	INV #4748. Due 08/03/2020.	97.50	292.50		
	--- Water \$39.50				
	--- Septic \$58.00				
08/04/2020	PMT #00428B.	-39.50	253.00		
08/04/2020	PMT #00428B.	-43.00	210.00		
08/04/2020	PMT #00428B.	-15.00	195.00		
08/04/2020	PMT #00428B.	-39.50	155.50		
08/04/2020	PMT #00428B.	-43.00	112.50		
08/04/2020	PMT #00428B.	-15.00	97.50		
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
0.00	97.50	97.50	97.50	682.50	\$975.00



Rocky Mountain Utility Company, INC.

2 N. Landmark Lane Suite # 4

Rigby, ID 83442

208-745-6443

Statement

Date
5/10/2021

To:
Nicole Lee Burbank 3890 East Ash Ln Rigby, ID 83442

		Amount Due	Amount Enc.		
		\$975.00			
Date	Transaction	Amount	Balance		
09/01/2020	INV #4869. Due 09/01/2020. --- Water, 1 @ \$39.50 = 39.50 --- Septic, 1 @ \$58.00 = 58.00	97.50	195.00		
10/01/2020	INV #5095. Due 10/01/2020. --- Water \$39.50 --- Septic \$58.00	97.50	292.50		
11/02/2020	INV #5212. Due 11/02/2020. --- Water, 1 @ \$39.50 = 39.50 --- Septic, 1 @ \$58.00 = 58.00	97.50	390.00		
12/01/2020	INV #5323. Due 12/01/2020. --- Water \$39.50 --- Septic \$58.00	97.50	487.50		
01/05/2021	INV #5437. Due 01/05/2021. --- Water \$39.50 --- Septic \$58.00	97.50	585.00		
02/01/2021	INV #5551. Due 02/01/2021. --- Water \$39.50 --- Septic \$58.00	97.50	682.50		
03/01/2021	INV #5666. Due 03/01/2021. --- Water \$39.50 --- Septic \$58.00	97.50	780.00		
04/01/2021	INV #5779. Due 04/01/2021. --- Water, 1 @ \$39.50 = 39.50 --- Septic, 1 @ \$58.00 = 58.00	97.50	877.50		
05/03/2021	INV #5894. Due 05/03/2021. --- Water, 1 @ \$39.50 = 39.50 --- Septic, 1 @ \$58.00 = 58.00	97.50	975.00		
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
0.00	97.50	97.50	97.50	682.50	\$975.00

Rocky Mountain Utility Company, INC.

2 N. Landmark Lane Suite # 4
Rigby, ID 83442
208-745-6443

Invoice

Date	Invoice #
5/3/2021	5894

Bill To
Nicole Lee Burbank 3890 East Ash Ln Rigby, ID 83442

P.O. No.	Terms	Project
	Due by 25th	

Quantity	Description	Rate	Amount
1	Water Usage for prior month	39.50	39.50
1	Septic Usage for prior month	58.00	58.00

Payments are due by the 25th of the month

Total

\$97.50