

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**DEIDRA PASQUARIELLO,****Complainant,****vs.****IDAHO POWER COMPANY,****Respondent.**

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CASE NO. IPC-E-02-10**ORDER NO. 29156**

On July 26, 2002, the Commission received a "formal" complaint from Ms. Deidra Pasquariello against Idaho Power Company. Ms. Pasquariello is disputing an alleged past-due bill of \$573.37 placed against her current account. The amount in dispute was "transferred" from a prior account in the names of "Charles P. Adams and Dee Adams." The Company alleges that Dee Adams and Deidra Pasquariello are one and the same person.

On September 4, 2002, the Commission issued a Summons directing that Idaho Power answer the complaint. On September 24, 2002, Idaho Power filed its timely Answer to the complaint in the form of a Motion to Dismiss. Ms. Pasquariello did not file a reply to Idaho Power's Motion to Dismiss. Neither party requested a hearing. After reviewing the complaint and Idaho Power's Motion to Dismiss, we grant the Company's Motion for the reasons outlined below.

FACTUAL BACKGROUND

The following facts and sequence of events are obtained from the Complaint and Idaho Power's Motion. On or about August 17, 2001, Charles P. Adams came alone to the Idaho Power Company offices in Nampa and requested electrical service for property located at 6330 West Ustick Road in Meridian (the Ustick Road property). He provided photo identification to the Company representative and paid an outstanding balance of approximately \$240 for a prior unpaid account. The prior unpaid account was for electrical service at 612 Montgomery Street in Idaho City under the names of Charles P. Adams and Dee Adams. When Mr. Adams requested service for the Ustick Road property, he also provided the Social Security number of a person purported to be "Dee Adams."

The Ustick Road property has two meters—one residential and one small general service. Accounts for both meters were set up under the names of Charles P. Adams and Dee Adams. Service was connected on or about August 20, 2001. During the next seven months, monthly bills and several disconnection notices were sent. On or about March 7, 2002, Mr. Adams requested that service to the residence at Ustick Road be disconnected. Consequently, the Company disconnected service to the residence.

According to Idaho Power records, one day after the disconnection of service at the Ustick Road property, Ms. Pasquariello contacted the Company and requested residential service at 252 North Meridian Road in Kuna. The Company conducted a credit check of Ms. Pasquariello and found that the Social Security number she provided was the same as the Social Security number purporting to belong to Dee Adams as provided by Mr. Adams in August 2001. The Company does not indicate when it conducted the credit check but it subsequently transferred the past-due balance for the Ustick Road property to Ms. Pasquariello's residential account in Kuna on or about May 13, 2002.

On or about June 2, 2002, Ms. Pasquariello made an informal complaint with the Commission Staff objecting to the transfer of the past-due residential account balance for the Ustick Road residence of approximately \$573.37. The informal complaint was not resolved to her satisfaction and Ms. Pasquariello filed her formal complaint on July 26, 2002.

THE COMPLAINT

In her complaint, Ms. Pasquariello states that she has lived at 252 N. Meridian Road in Kuna since March 2002. When she moved in, she indicated that her Kuna mail was being forwarded to her daughter's address in Pocatello. After not receiving a power bill for approximately two months, she contacted Idaho Power to let them know of the mail problem and to obtain "a copy of my power bill." Complaint at 1. She subsequently received a bill in the amount of approximately \$722.64. Of that amount, approximately \$150 was due for service at the Kuna property and the balance was transferred from the prior Ustick Road residential account. She subsequently paid the bill for the Kuna residence.

Ms. Pasquariello asserts that she is not responsible for the bill of Charles P. ("Pat") Adams, and she is not married to Mr. Adams. Complaint at 3. However, she acknowledges that she lived with Pat Adams at the Ustick Road property. She provided a Social Security card and a State-issued identification card with the name Deidra Pasquariello on both. The ID card was issued December 31, 2001, contains her picture, and lists her address as 6330 Ustick Road.

She indicates that three individuals (Pat Adams, Dave Allen, and she) lived at the Ustick Road property. The complaint indicates that Dave Allen moved out and “that left me (Deidra Pasquariello) and (Pat Adams) to split rent (2) ways and not (3) ways.” Complaint at 2. Ms. Pasquariello states that she paid her share of the monthly electricity bill to Mr. Adams. *Id.* at 2-3. Ms. Pasquariello’s complaint acknowledges that Mr. Adams did share the Kuna residence with her.

She objects to the transfer of the past-due Ustick Road accounts to her new Kuna residence account. In particular, she argues that she should not have to “pay for his [Mr. Adams’] bill or anyone else’s but my own.” *Id.* at 3 (emphasis original). She did not provide any documentation showing that she had paid either Mr. Adams or Mr. Allen for her share of the Ustick Road property’s electric bill. Also attached to her complaint was a lease agreement for the Ustick Road property showing Pat Adams and Deidra Pasquariello as tenants for the property.

THE MOTION TO DISMISS

In its response, Idaho Power submitted a Motion to Dismiss. In its Motion, the utility notes that Ms. Pasquariello does not deny that she resided at the Ustick Road property. The Company points out that the initial “Lease-Rental Agreement and Deposit Receipt” for the Ustick Road property indicates that “Pat Adams and Deidra Pasquariello” executed the lease agreement. Motion at 3. In addition, Idaho Power alleges that Ms. Pasquariello admitted in her complaint that she was responsible for paying at least one-third of the power bill at the Ustick Road property. *See* Complaint at 2. The Company also notes that the Social Security number purportedly belonging to “Dee Adams” is the same Social Security number assigned to Deidra Pasquariello.

The Company argues that during the seven months she resided at the Ustick Road property, she did not object that Dee Adams’ name appeared on the monthly bill. Idaho Power maintains that it was incumbent upon Ms. Pasquariello to notify Idaho Power when she lived at the Ustick Road property if there was a discrepancy in the billing information, such as the name(s) on the account.

The Company states that it appropriately transferred the residential arrearage from the Ustick Road property to Ms. Pasquariello’s Kuna bill. The Company maintains that the Commission’s Customer Relations Rule 206 allows the Company to transfer the Ustick Road balance to Ms. Pasquariello’s present account. In particular, the Company asserts that Customer

Relations Rule 206.02(a) entitles the Company to hold Ms. Pasquariello responsible for payment of residential electric service received at the Ustick Road property. Motion to Dismiss at 4. Rule 206 provides:

206. TRANSFER OF BILLS--RESIDENTIAL CUSTOMERS (Rule 206).

01. Customer Defined. For purposes of this rule, "customer" means a customer whose name appears on the utility's regular bill for residential service or who signed a written application for service or other document informing the customer that he or she was assuming an obligation for payment for service. (7-1-93)

02. Customer's Responsibility. A customer shall not be held responsible for payment of an amount owed by any person who resides at the customer's premises or is a member of the customer's household, but whose name does not appear on the current bill or application for service, unless: (7-1-93)

a. The customer expressly accepts responsibility for payment of the other person's bill, or (7-1-93)

b. The customer has a legal obligation to pay the other person's bill. (7-1-93)

03. Notice of Transfer of Bill to Another Customer. No utility shall transfer any amount owed by a customer or former customer to another customer's account without written notice.

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IDAPA 31.21.01.206.

Because the Social Security numbers are identical for Dee Adams and Deidra Pasquariello, the Company maintains that it is entitled to consider Dee Adams and Ms. Pasquariello "one and the same person. As a result of and in conformance with IPUC Customer Relations Rule 206, Idaho Power transferred the balance due on the residential account for the Ustick property to the residential account for Ms. Pasquariello's Kuna Property." Motion at 5. The Company insists that her marital status with Mr. Adams is "not dispositive of the issue to be decided." *Id.*

In conclusion, Idaho Power maintains that Ms. Pasquariello admits that she: (1) entered into a lease at the Ustick property; (2) resided at that address; (3) was responsible for paying for power provided at that address; and (4) the Social Security number of "Dee Adams" is

identical to her own. These facts support the Company's assertion that Ms. Pasquariello is responsible for the balance owing on the Ustick Road residence.

DISCUSSION AND FINDINGS OF FACT

As set out above, Ms. Pasquariello objects to the transfer of the unpaid balance for the residential account on Ustick Road. She acknowledges that she lived at the Ustick Road residence. Indeed, she supplied a copy of the lease agreement for the Ustick Road property which indicated that Mr. Adams and Deidra Pasquariello were the tenants at that property.

In its Motion to Dismiss, Idaho Power insists that it properly transferred the Ustick Road residential past-due account pursuant to the Commission's Rule 206. IDAPA 31.21.01.206. Customer Relations Rule 206.02(a) allows a utility to transfer a bill from one customer to another if the customer "accepts responsibility for payment of the other person's bill."

Based upon our review of the Complaint and Idaho Power's Motion to Dismiss, we find there are two reasons to support the transfer of the unpaid balance of the Ustick Road residence to Ms. Pasquariello's Kuna account. Given the particular facts of this case, we first find that "Dee Adams" and Ms. Pasquariello are one and the same person. We reach this conclusion based on several reasons. First, the Social Security number is the same. Second, although "Dee Adams" name appears on the Ustick Road bill, Ms. Pasquariello's complaint does not mention that a "Dee Adams" resided at the Ustick Road property. Ms. Pasquariello acknowledged that she lived there and her ID card lists the Ustick address. Third, the initial Lease-Rental Agreement and Deposit Receipt for the Ustick Road residence lists Pat Adams and Deidra Pasquariello. Consequently, Ms. Pasquariello is responsible for her prior unpaid bill.

Second, we find that Rule 206 does allow the transfer of a bill from one person to another where the other person expressly accepts responsibility. IDAPA 31.21.01.205.02(a). Even if Ms. Pasquariello is not "Dee Adams", Ms. Pasquariello acknowledged in her written complaint that she was responsible for paying at least a portion of the bill at the Ustick Road property. Thus, Rule 206 allows the Company to transfer the debt to Ms. Pasquariello's account.

ORDER

IT IS HEREBY ORDERED that Idaho Power's Motion to Dismiss is granted. Consequently, Ms. Pasquariello's complaint against Idaho Power is denied.

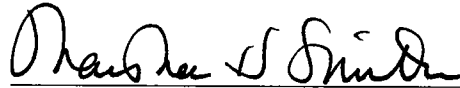
IT IS FURTHER ORDERED that the Company offer Ms. Pasquariello an opportunity to make payment arrangement pursuant to Commission Customer Relations Rule 313, IDAPA 31.01.01.313.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. IPC-E-02-10 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. IPC-E-02-10. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsdieration. See *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26th day of November 2002.



PAUL KJELLANDER, PRESIDENT

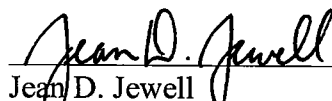


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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