

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER SMITH  
COMMISSIONER HANSEN  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL**

**FROM: JOHN R. HAMMOND**

**DATE APRIL 3, 2003**

**RE: IN THE MATTER OF MARY BURKE v. IDAHO POWER COMPANY,  
CASE NO. IPC-E-2-11.**

On August 26, 2002, Mary Burke filed a formal complaint against Idaho Power Company regarding her bill for electric utility service obtained from the Company. Idaho Power was served with Mary Burke's Complaint and a Summons by Order of the Commission on September 11, 2002. Idaho Power filed an Answer to Mary Burke's Complaint on October 22, 2002. Mary Burke filed a reply to Idaho Power's Answer on November 5, 2002. On January 30, 2002, Idaho Power notified the Commission by letter that it was no longer seeking collection of the disputed bill.

### BACKGROUND

Mary Burke complained that Idaho Power improperly billed her for electric service at a residence she did not reside. The billing period in question was from January 10, 2002 until March 25, 2002. Idaho Power contended that the bill for this period was \$323.31, with additional late fees. Ms. Burke disagreed.

The parties at one point resolved their differences. Mary Burke agreed to pay Idaho Power \$123.88 in three installments instead of \$323.31 for the services provided to her between January 10, 2002 until March 25, 2002. Based on this agreement the Complaint would be dismissed and the case closed.

On January 30, 2003, Idaho Power's counsel filed a letter with the Commission notifying it that Randy E. Burke, Mary Burke's husband, had filed a bankruptcy petition on November 12, 2002 and pending the outcome of that case Idaho Power would not be attempting to collect the

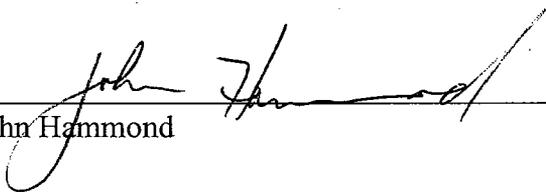
earlier agreed upon amount from Ms. Burke. Mary and Randy Burke have a joint residential account with Idaho Power.

### **STAFF RECOMMENDATION**

Idaho Power is no longer attempting to collect the disputed bill, incurred between January 10 and March 25, 2002. Accordingly, Burke's Complaint is no longer serves any purpose. Based on the foregoing, Staff recommends that the Commission dismiss Mary Burke's Complaint without prejudice. Staff has contacted Mary Burke regarding Idaho Power's decision to abandon collection of the bill incurred between the above dates. Ms. Burke represented that she had no objection to the dismissal of her complaint without prejudice.

### **COMMISSION DECISION**

Does the Commission wish to dismiss Mary Burke's Complaint regarding her billing dispute with Idaho Power without prejudice?

  
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John Hammond

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