

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

LORI LEE,)
) **CASE NO. IPC-E-03-14**
 Complainant,)
)
 vs.)
)
 IDAHO POWER COMPANY,) **ORDER NO. 29372**
)
 Respondent.)
)

In July 2003, Lori Lee filed an informal complaint against Idaho Power Company alleging that the Company had improperly billed her for service at her Boise residence. Attempts to resolve the informal complaint to her satisfaction were unsuccessful. Having exhausted her informal complaint remedy, Ms. Lee filed a formal complaint on September 24, 2003, pursuant to the Commission's procedural Rules 24 and 54. IDAPA 31.01.024 and .054. In her formal complaint, Ms. Lee is requesting that seven years of charges for an alleged unauthorized dusk-to-dawn light supplied by the Company be refunded in full. As part of the informal complaint, Idaho Power refunded the lighting charges for the last three years, extending back to June 2000. Her formal complaint seeks a refund for the remaining four years (1996 to 2000). After reviewing the merits of the complaint, the Commission issues this Order.

THE COMPLAINT

On July 10, 2003, Ms. Lee contacted Idaho Power to inquire about her level-pay budget plan service. She had previously received a letter from Idaho Power that her budget plan would be decreased to \$62 a month. Upon receiving her next bill, she noticed that the charge for the budget plan was \$72. In response to her inquiry about the billing discrepancy, Idaho Power informed Ms. Lee that the \$10 difference was attributable to a dusk-to-dawn lighting charge. Under the Company's Tariff Schedule 15, Ms. Lee was charged for a 100-Watt sodium vapor light and pole located on her property. The dusk-to-dawn lighting charge is listed separately on her monthly bill.

Ms. Lee advised the customer service representative that she had never noticed the charge on her bill before. While on the telephone with the service representative, she went out into her back yard to look at the light and pole. She stated that she had never noticed the pole located on her property. She found the pole near the property line behind some lilac bushes. She did recall noticing an amber light shining down into her back yard when she first occupied the residence in May 1996.

Ms. Lee claims she was never informed, either in writing or verbally, of the light pole and accompanying monthly charge when she established service. She also claims that the light has not worked for several years. She thought that the light pole was an old streetlight that had been there since her subdivision was built, and Idaho Power decided to shut off the light. She asserts that she should receive a refund for the entire time she has resided at her house.

THE COMPANY'S RESPONSE

Idaho Power says its standard practice is to disclose the existence of a dusk-to-dawn light located at a customer's residence and the monthly charge when the customer initially requests service. The Company believes this was accomplished in this case. The Company stated and the Staff confirmed that the usage charge for the sodium vapor light per Schedule 15 (dusk-to-dawn customer lighting) is currently \$9.17 per month. As indicated on Ms. Lee's monthly bill, the charge for the area light is itemized as a separate charge.

To resolve this dispute, the Company issued a three-year credit in the amount of \$322.34. However, the Company declines to provide additional credit for the remaining four years. The Company indicated that it had no way of knowing that the light was inoperable and that Ms. Lee's monthly bill should serve as proper notice of the service charge.

DISCUSSION

The Commission has reviewed the formal complaint and the Company's response. We find that the complaint and the response set out sufficient facts for us to issue a decision in this matter.

Although the parties dispute whether Ms. Lee was advised of the yard light's existence when she initiated service in May 1996, it is evident that her monthly bill contains a charge for "100 watt sodium vapor area l[ight] @ \$9.17 each." Although this charge appears on her bill, the word "light" is not printed out in its entirety because of the space limitation on the bill. She also remembers that the light was operable when she moved in.

Based upon our review of the disputed and undisputed facts, we find Idaho Power's settlement is the one provided for by law. *Idaho Code* § 61-642 and Utility Customer Relations Rule 204.02 generally limit billing corrections due to complaints of excessive charges to three years. *Idaho Code* § 61-313 provides that no public utility shall collect a greater or lesser amount for any service rendered than the charge specified in its tariffs on file with the Commission. The Company charged the tariff rate for the dusk-to-dawn service provided to Ms. Lee. It appears undisputed that her yard light had not been operable for several years; however, because she was not aware that it was her light, she had not made any inquiries to the Company about its inoperability. We direct Idaho Power to ensure that its customer service representatives advise new customers of the existence of dusk-to-dawn service lights on their property when a customer initially signs up for service.

ORDER

IT IS HEREBY ORDERED that the complaint of Lori Lee against Idaho Power Company as more particularly described above is dismissed and denied.

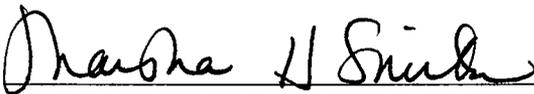
IT IS FURTHER ORDERED that the Company ensure that its customer service representatives advise new customers of the existence of dusk-to-dawn lights located on their property and the options available to continue or discontinue such service.

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. ICP-E-03-14 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-03-14. 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 ^{November} 3rd
day of ~~October~~ 2003.



PAUL KJELLANDER, PRESIDENT



MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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