

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**JANE ROBINSON,** )  
 ) **CASE NO. INT-G-06-02**  
 **COMPLAINANT,** )  
 )  
 **v.** )  
 )  
 **INTERMOUNTAIN GAS COMPANY,** ) **ORDER NO. 30130**  
 )  
 **RESPONDENT.** )

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In February 2006, Jane Robinson made an informal complaint against Intermountain Gas Company disputing the amount of natural gas consumed at her Boise residence during the 2005-2006 winter heating season. Attempts to resolve the informal complaint were not successful. Having exhausted her informal complaint remedy, Ms. Robinson filed a “formal” complaint against Intermountain Gas on April 13, 2006. IDAPA 31.01.01.024. The Commission issued a Summons directing Intermountain Gas to answer the Complaint. On July 19, 2006, the Company filed a timely Answer.

Based upon its initial review of the Complaint and the Company’s Answer, the Commission found that the record did not contain certain material facts necessary to decide the Complaint. On August 16, 2006, the Commission issued Order No. 30115 directing the parties to supplement the record. On August 23, 2006, Intermountain Gas filed its supplemental material. Ms. Robinson filed her supplemental data on September 6, 2006. Neither party requested a hearing. After reviewing the Complaint, the Answer, and the subsequent materials submitted by both parties, the Commission issues this Order.

**THE COMPLAINT**

This past winter, Ms. Robinson decided to heat her house with firewood so that she “wouldn’t have gigantic heating bills from Intermountain Gas Company.” Complaint at 1. She purchased four cords of wood for \$565 (Exh. 1, pages 1-2) and burned this wood to heat her home everyday from November 15, 2005 through the first week of March 2006. She states that her freestanding fireplace is very efficient and she only used her natural gas furnace 20-30 minutes each morning. *Id.* at 2. She also has a natural gas-fired water heater.

After she received her January 2006 bill, she called Intermountain Gas to dispute the reported amount of natural gas consumed during the 31-day billing cycle and the previous months' bills. She claimed that she could not have consumed so much natural gas during the winter season. Her efforts to obtain a billing adjustment based upon the cost of her firewood were unsuccessful.

After filing an informal complaint with the Commission Staff, Staff suggested that Intermountain Gas remove her natural gas meter and test it for accuracy. On March 8, 2006, a Company technician removed the old meter and replaced it with another meter. Answer at 1. At the time her meter was replaced, a Company technician also performed a "diagnostic inspection" on her furnace and water heater. *Id.* at 2. In her Complaint, Ms. Robinson asserts she observed that the technician changed the thermostat setting on her water heater. In addition, she complained that the new meter was not set to "zero" but read "0492." Complaint at 3. She states in her complaint that she should not be billed for these 492 therms of natural gas. *Id.* at 1.

#### **INTERMOUNTAIN GAS ANSWER**

Intermountain Gas answered that both the old meter and new meter were tested for accuracy and found to be accurate. Answer at 1. In its supplemental filing, the Company provided a copy of its meter test report. The report, dated March 10, 2006, shows that the meter was removed on March 8 and that the meter was found to be in good working order. IGC Exh. 4. The Company further explained that replacement meters do not have their readings reset to zero. For billing purposes the new billing begins at "0492" which represents a "zero" beginning balance. Answer at 2. Consequently, Ms. Robinson was not billed for 492 therms.

The Company also acknowledged that its technician did inspect Ms. Robinson's water heater. In performing the diagnostic inspection, the Company indicated that the water heater must "be tested under a range of high-to-low thermostat settings." *Id.* Thus, the technician did adjust the thermostat as part of his inspection. Although the Company found her furnace and water heater to be in good working condition, the technician advised Ms. Robinson about several factors that reduced the efficiency of both her fireplace and her natural gas furnace. More specifically, the Company maintained that the technician shared his concerns "regarding the location of the fireplace in relation to the location of the natural gas thermostat, the fact that all the heating registers and interior doors remained closed[,] and that there was no return heating register co-located with the fireplace." *Id.*

The Company estimated that Ms. Robinson's use of firewood did indeed lower her consumption of natural gas this past winter on a per heating degree day (HDD)<sup>1</sup> basis. Her natural gas consumption this winter was actually lower per HDD as compared to previous winters. The Company included a graph which showed the amount of her consumption in therms over the last four winters and the heating degree days. IGC Exh. 3. According to the Company, this exhibit demonstrated that Ms. Robinson's natural gas usage has actually declined even though this past winter was colder than the three previous winters.

In its supplemental filing, the Company calculated that Ms. Robinson owes a balance of \$944.37 as of August 8, 2006. IGC Exh. 1. Her last payment was for the monthly bill dated December 20, 2005. *Id.* The Company requested that the Complaint be dismissed and agreed to make payment arrangements with Ms. Robinson for the payment of her past due bills.

### **ROBINSON REPLY**

In her supplemental filing, Ms. Robinson submitted Exhibit 3, which purportedly shows a pattern of improper billing by the gas company since 2000. She listed four examples to support her argument of improper billings. First, she pointed out that on February 2, 2000, she was billed for 337 therms of natural gas for 30 days. Robinson Exh. 3. She insisted that the National Weather Service confirmed that February 2000 was a "warmer than normal February," implying that she was over-billed.

Second, she compared the bills for the month of January between 2000 and 2006. These January bills indicated she consumed various amounts of natural gas ranging from 14 therms in 2005 (the year she heated her house with electricity) to a high of 331 therms in 2004. She also made the same yearly comparison for the month of November between 2000 and 2005 and highlighted November 2002 with the largest monthly gas consumption of 202 therms. Robinson Exh. 3, page 2 of 2. She maintained that comparing these monthly bills for January and November over several years "reveals [a] strange but consistent over billing pattern." Robinson Exh. 3, page 1 of 2.

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<sup>1</sup> Heating Degree Day (HDD) is a quantitative index or measurement that reflects the demand for energy to heat houses and businesses. The index is based upon daily temperatures reported at National Weather Service stations throughout the United States, including Boise. HDD is calculated by comparing a mean daily temperature (average of the daily maximum and minimum temperatures) and 65° Fahrenheit (the base for HDD computations). "Heating Degree Days are summations of negative differences between the mean daily temperature and the 65°F base." National Weather Service website, [www.cpc.ncep.noaa.gov/products/analysis/monitoring/cdus/degree\\_days/ddayexp.shtml](http://www.cpc.ncep.noaa.gov/products/analysis/monitoring/cdus/degree_days/ddayexp.shtml). The larger the HDD index number, the greater the demand for energy to heat a home. In other words, the greater the HDD number, the colder the month.

Finally, she asserted that the three months of usage from September to November in 2002 shows an “astronomical climb” in gas consumption from 18 therms in September, to 69 therms in October, then to 205 therms billed in November. She concluded that this three month period reveals “a consistent and on-going ‘pattern’ of unjustifiable excessively high charges that are not warranted by weather conditions. . . .” Robinson Exh. 3, page 1 (emphasis original). Because of these over-billings, she seeks a refund. Using the August 2006 billing of \$18.53 as a normal usage surrogate, she suggests that she is due a refund of the payments she made for the months of October through December 2005 (\$518.66) offset by \$203.83 (\$18.53/mo. x 11 months). Robinson Exhs. 2 and 4.<sup>2</sup>

### COMMISSION FINDINGS

The Commission believes that there is sufficient evidence in the record for us to decide this matter. The Commission has jurisdiction to hear this dispute pursuant to *Idaho Code* §§ 61-503, 61-641, and 61-642. Ms. Robinson disputes the amount of natural gas consumed at her Boise residence last winter and alleges that the gas company over-billed her. Ms. Robinson seeks a partial refund for the months from October 2005 through January 2006 and an adjustment to the bills from February 2006 to the present.

After reviewing the record in this matter, we find that the Complaint is not well founded for several reasons. First, the meter allegedly at fault for inconsistent readings was removed and replaced on March 8, 2006. The removed meter was tested on March 10, 2006. *Idaho Code* § 61-520 provides that the Commission may set standards for the metering of utility services. Commission Rule 154 provides that natural gas meters shall not be “more than two (2) percent slow and not more than one (1) percent fast.” IDAPA 31.31.01.154.01. Intermountain Gas submitted a copy of its special test report for the removed meter. This test report indicates that the meter tested accurate to within 0.6%. This result is within the parameters set by Rule 154. The Company has provided convincing evidence that the meter was accurately measuring Ms. Robinson’s gas consumption.

Second, Ms. Robinson presented no evidence that the monthly readings of the new meter are inaccurate. In calculating the appropriate amount of gas consumed, she suggested that we utilize the therms used and charges from August 2006 as a surrogate for her monthly charges

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<sup>2</sup> Ms. Robinson also alleged that she was charged for “removing the old meter and replacing it with a different meter.” Robinson Exh. 4. We see no evidence of such a charge in the billing materials submitted by either party.

in the winter because the “conditions [in August] are basically identical” to the prior months. However, this is not an appropriate surrogate for her usage because she conceded she used her furnace every day during the winter. We find it unlikely that she used her furnace during the time encompassed by the August 2006 bill. In addition, as indicated in her Exhibit 2 and the Company’s Exhibit 1, the usage for the months of March through July all exceed the \$18.53 charge.

Finally, we are not persuaded by Ms. Robinson’s Exhibit 3 purportedly showing “a ‘pattern’ of improper billings.” She first insisted that her February 2, 2000 bill was in error because the National Weather Service confirmed that February 2000 was a “warmer than normal February.” While this may be true, her February bill was for service primarily rendered during January 2000. Pursuant to Rule 263.01.b., we take official notice that the HDDs in Boise for January and February 2000 were 943 and 672, respectively. IDAPA 31.01.01.263.01.b.<sup>3</sup> Thus, January was significantly colder than February.

We also are not persuaded by her analysis of the bills for the months of January and November for the years 2000 through 2006. For example, she points to the “high” month of November 2002 below as indicative of a pattern of excessive billing. However, a review of the November bills and pertinent HDD data does not demonstrate such a pattern and shows consumption proportionally based upon HDD data.

<b>Billing Date</b>	<b>Therms</b>	<b>Days in Cycle</b>	<b>HDD</b>
November 1, 2000	96	28 days	October 387*
November 2, 2001	68	31 days	October 350
November 18, 2002	205	32 days	November 729
November 18, 2003	11	29 days	November 606
November 18, 2004	195	29 days	November 641
November 18, 2005	123	29 days	November 586

Source: Robinson Exh. 3; IGC Exh. 2; National Weather Service.

\* We used October HDD for 2000 and 2001 because the majority of usage occurred in October.

We find the November 2002 bill roughly corresponds to the coldest November from 2000 to 2005.

<sup>3</sup> National Weather Service, [ftp://ftp.cpc.ncep.noaa.gov/htdocs/products/analysis\\_monitoring/cdus/degree\\_days/archives/Heating%20degree%20Days/Monthly%20City/2000/](ftp://ftp.cpc.ncep.noaa.gov/htdocs/products/analysis_monitoring/cdus/degree_days/archives/Heating%20degree%20Days/Monthly%20City/2000/).

She also argued that the increasing natural gas usage reflected on the bills for the three months of September to November 2002 demonstrates a pattern of abuse. But reviewing her reported gas usage in conjunction with the HDD data leads us to simply conclude that the increasing gas usage was in line with the increasing colder weather from September to November 2002.<sup>4</sup>

In conclusion, we find that Ms. Robinson was able to lower her consumption of natural gas this past winter by burning firewood. However, we also find that Ms. Robinson did not adequately demonstrate that her old meter was inaccurate. We find there is substantial and competent evidence that the old meter and replacement meter accurately reported the amounts of natural gas she consumed during this past winter. We further find that the alleged patterns of over-billing in Ms. Robinson's Exhibit 3 are not convincing. Consequently, the Commission finds that no reimbursements or billing adjustments are warranted and the Complaint should be dismissed.

We direct the Company to offer Ms. Robinson payment arrangements for the amount currently past due. Because we are soon approaching another winter heating season, we direct payment arrangements be made over a 12-month period. We also encourage Ms. Robinson to investigate whether she might be eligible for the Low-Income Energy Heating Assistance Program administered locally by El Ada.

### **ORDER**

IT IS HEREBY ORDERED that Jane Robinson's Complaint against Intermountain Gas Company be dismissed.

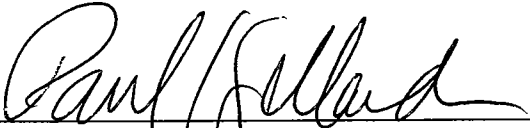
IT IS FURTHER ORDERED that the Company make reasonable payment arrangements for the recovery of the past due amounts over a 12-month period.

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.

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<sup>4</sup> Gas usage and HDDs for each month were: September – 18 therms/94 HDD; October – 69 therms/296 HDD; and November – 205 therms/729 HDD. See Robinson Exh. 3; IGC Exh. 2; and National Weather Service HDD data for September 2002.

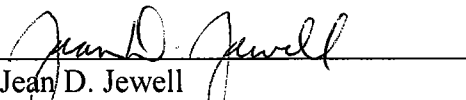
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 21<sup>st</sup>  
day of September 2006.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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