

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**JANE ROBINSON,** )  
 ) **CASE NO. INT-G-06-02**  
**COMPLAINANT,** )  
 )  
**v.** )  
 )  
**INTERMOUNTAIN GAS COMPANY,** ) **ORDER NO. 30162**  
 )  
**RESPONDENT.** )

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On September 21, 2006, the Commission issued Order No. 30130 dismissing a formal complaint filed by Jane Robinson against Intermountain Gas Company. Ms. Robinson disputed the metered amount of natural gas consumed at her Boise residence during the 2005-2006 winter heating season. On October 12, 2006, Ms. Robinson filed a Petition for Reconsideration and requested that the Commission withdraw its Order No. 30120. After reviewing the Petition and the evidentiary record, the Commission issues this Order.

**BACKGROUND**

***A. The Complaint***

Last winter Ms. Robinson decided to heat her home with firewood to avoid large heating bills from Intermountain Gas Company. She purchased four cords of wood for \$565 and burned wood to heat her home everyday from November 15, 2005 through the first week of March 2006. Order No. 30130 at 1. She stated that she burned her wood in an efficient, freestanding fireplace and only used her natural gas furnace approximately 40 minutes each morning. Petition at 7. She also has a natural gas-fired water heater.

After receiving her January 2006 gas bill, she disputed the metered amount of consumed gas shown on that bill and on previous months' bills. She claimed she could not have consumed the reported amount of natural gas while she was heating her home with wood. Order No. 30130 at 2. She subsequently alleged in her formal complaint that Intermountain Gas had routinely over-billed her for natural gas since 2000. *Id.* at 3.

On March 8, 2006, Intermountain Gas technicians removed her gas meter and replaced it with a new meter. A Company technician also performed a "diagnostic inspection" on her furnace and water heater and determined they were in "good working condition." *Id.*

Intermountain Gas subsequently tested the old meter and it was found to be accurate. The new meter was also tested before it was installed and it too was shown to be accurate. Answer at 1; Order No. 30130 at 2.

***B. The Commission's Prior Order***

In Order No. 30130 the Commission dismissed the complaint for three reasons. First, the Commission found that there was substantial and competent evidence that the old meter accurately reported the amounts of natural gas consumed at Ms. Robinson's Boise residence. The Commission noted that its Gas Rule 154 provides that all natural gas meters shall be no "more than two (2) percent slow and not more than one (1) percent fast." IDAPA 31.31.01.154.01. Intermountain Gas reported and the Company found that the old meter tested accurately to within 0.6%. Order No. 30130 at 4; IGC Exhibit 4. Second, the Commission also found that there was no evidence in the record to suggest that the new meter was inaccurate. *Id.* at 4-5. Almost half of the alleged arrearage arose after March 8. Answer at 2.

Finally, the Commission was not persuaded by Ms. Robinson's claims that Intermountain Gas had engaged in a pattern of over-billing from 2000 to 2006. She pointed to several examples of "excessive billings" by comparing the amounts of natural gas consumed during a particular month over several years, e.g., the month of November for the years 2000 to 2006. Order No. 30130 at 5. However, the Commission found that the amounts of monthly usage corresponded to higher consumption during colder months. *Id.* at 5-6. Although the Commission found that Ms. Robinson had purchased the firewood and was able to lower her consumption of natural gas this past winter, she did not adequately demonstrate that either the old or new meters were inaccurate. Order No. 30130 at 6; IGC Exhibit 3. Consequently, the Commission found that no billing adjustment was warranted and the complaint should be dismissed. *Id.* at 6.

**THE PETITION FOR RECONSIDERATION**

Ms. Robinson urges the Commission to reconsider and withdraw its Order No. 30130 for two reasons. First, she claims that the Commission "ignored" her plain proof that she burned four cords of firewood to heat her home last winter. Petition at 2. She asserts that using her furnace "at most 42 minutes" per day and her water heater would not equate to the monthly consumption readings reported by Intermountain Gas. *Id.* at 7. Second, she claims that the gas Company has charged her for replacing her gas meter. *Id.* at 4. She concludes that the

Commission should order Intermountain Gas to give her “credit for heating with wood, not gas.”  
*Id.*

### DISCUSSION AND FINDINGS

Reconsideration provides an opportunity for a party to bring to the Commission’s attention any issue previously determined and provides the Commission with an opportunity to rectify any mistake or omission. *Washington Water Power Company v. Kootenai Environmental Alliance*, 99 Idaho 875, 591 P.2d 122 (1979). In those instances where an aggrieved party asks the Commission to reconsider its decision based upon the record, the Commission may simply do so. In this instance, Ms. Robinson has not introduced any additional evidence but has requested the Commission to reconsider its decision based upon the record. IDAPA 31.01.01.331.

We turn first to Ms. Robinson’s allegation that the Commission ignored the evidence that she purchased four cords of firewood. To the contrary, the Commission did not disregard the fact that she had purchased and burned four cords of wood. The Commission specifically found that she was able to lower her consumption of natural gas by burning firewood. Order No. 30130 at 6; IGC Exhibit 3. More to the point, Ms. Robinson asks the Commission to conclude that because she burned four cords of wood, her consumption of natural gas must have been substantially less than the amount billed by the Company. Conversely, Intermountain Gas argues that while her gas consumption was reduced (even with last winter being colder than the three prior winters), the old and new meters accurately measured her gas consumption.

As the finder of fact, the Commission need not weigh and balance the evidence presented to it, but it is free to accept certain evidence and decline other evidence. *Hulet v. Idaho PUC*, 138 Idaho 476, 479, 65 P.3d 498, 501 (2003); *Industrial Customers of Idaho Power v. Idaho PUC*, 134 Idaho 285, 293, 1 P.3d 786, 794 (2000). Here we decline to draw the inference urged by Ms. Robinson and find the meter evidence more convincing. The Commission affirms our prior finding in Order No. 30130 that there was substantial and competent evidence that the old meter accurately reflected Ms. Robinson’s gas consumption.

We also affirm our finding that Ms. Robinson presented no evidence showing that the monthly readings of the new meter were inaccurate. Her formal complaint only states that she burned wood up to “the first week of March, 2006” and acknowledged using gas every day. Complaint at 4; Order No. 30130 at 1. Intermountain Gas stated it tested the new meter before it

was installed and it too was accurate. Answer at 1; Order No. 30130 at 6. We conclude that Ms. Robinson failed to carry the burden of demonstrating that the new meter was inaccurate or that she did not consume the amount of gas billed after the new meter was installed.

Ms. Robinson next contends that she was charged for the replacement of her old meter. She did not provide any specific evidence to support her contention or point to such evidence in the record. When the Commission previously examined this assertion, the Commission stated that “[w]e see no evidence of such a charge in the billing materials submitted by either party.” Order No. 30130 at 4 n. 2. Moreover, our examination of the Company’s tariffs does not reveal that we have authorized any charge for removing or replacing a meter. *Idaho Code* § 61-313 prohibits any public utility from assessing a charge for any service other than the rate specified in its tariffs on file and approved by the Commission. Because there is no tariffed rate for removing a meter, Intermountain Gas may not assess a customer for replacing a meter.

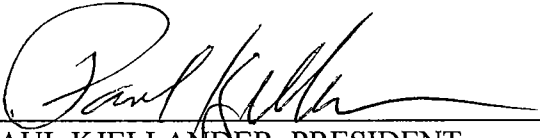
Based upon our review of the Petition for Reconsideration and the record, we affirm the findings contained in our prior Order No. 30130.

**ORDER**

IT IS HEREBY ORDERED that the Petition for Reconsideration is denied.

THIS IS A FINAL ORDER DENYING RECONSIDERATION. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this Case No. INT-G-06-2 may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. See *Idaho Code* § 61-627.

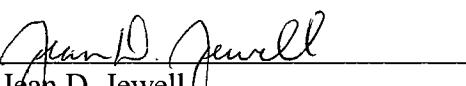
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 31<sup>st</sup>  
day of October 2006.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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