(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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|   DICK L. and RETA J. OYLER Complainants,vs.  UNITED WATER IDAHO INC.Respondent. | )))))))))) | CASE NO. UWI-W-96-5ORDER NO.  26714 |

On September 16, 1996, Dr. Dick L. and Reta J. Oyler filed a complaint against United Water Idaho Inc. with the Idaho Public Utilities Commission (Commission).  The Oylers and United Water have been unable to reach a mutually agreeable solution regarding a billing dispute.  The Oylers received a billing statement for the period March 26, 1996—May 24, 1996, in the amount of $688.31 for 73,700 cubic feet of water.  The Oylers believe that they did not use the amount of water for which they are being billed.  United Water believes that the meter measurement and billing are correct and that that amount of water flowed through the meter.  The Oylers were offered a one time billing adjustment, with the Company agreeing to write off 1/2 of the usage in excess of normal consumption levels.  Water consumption for the same period in 1995 was 4,700 cubic feet.  The Company proposed a total adjustment of $316.19.  The Oylers disagree with the amount of the proposed adjustment and filed a complaint asking that the Company adjust the bill to reflect similar usage from the previous year.  Pursuant to Commission Rules the Company agreed not to discontinue water service to the Oylers while their complaint was pending.

On October 29, 1996, United Water filed an answer to the Oyler complaint.   United Water field personnel performed several inspections to investigate for leakage or other explanations for high consumption.  No evidence of leakage was discovered.  The meter was removed and tested.  Based on its testing of the meter, United Water believes with certainty that 73,700 cubic feet water was actually consumed during the period in question.  The Oyler property is connected to a separate, pressurized irrigation system.  Improper valve configuration could allow water from United’s system to flow into the irrigation system.

United Water has offered to adjust the Oyler bill in accordance with its usual policy on adjustments for leakage or excess usage.  Under that policy, the Company subtracts the normal usage from the disputed usage and then applies a credit equal to 1/2 the difference.  United Water remains willing to apply this adjustment.  United Water requests that the Commission find and conclude that the consumption complained of is beyond the control of United Water and that the complainants are fully responsible for the water metered.

On November 12, 1996, Dr. Oyler filed a letter response noting that no evidence of leakage was discovered and Company investigators agreed that the irrigation system valve configuration in place during the inspection made it improbable, if not impossible, for  the water to go  into the irrigation system.  He contends that there is no proof or facts to explain the water consumption.

On November 16, 1996, an engineering report was prepared by Commission Staff and distributed to the parties by letter dated November 19.  Staff concludes that although it seems unlikely that the water flowed into the pressurized irrigation system because five valves would have to be open, the meter tested for accuracy and its reading should be accepted.  Staff believes the Company’s proposed resolution is reasonable.

On November 22, 1996, Dr. Oyler filed a Letter Response to Staff’s Engineering Report.  Dr. Oyler requests that this dispute be resolved using fairness and reasonableness and that the water leak policy administered by United Water be amended to apply on a case by case basis.

Commission Findings

The Commission has reviewed the filings of record in Case No. UWI-W-96-5.  The Oylers and Company agree that the filings of record correctly frame the issue for Commission decision.  We find that no further procedure or proceedings are required.  Based on the filings of record, the Commission finds that the Company’s meter was tested to be 96% accurate. This means it slightly under measured the water that flowed through it.  The Commission can make no findings as to whether the water was used or wasted, or what ultimately happened to the water.  However, the meter measured 73,700 cubic feet of water and we find that amount of water did flow through the meter.  This is precisely the type of situation for which the water leak policy is appropriate.  It allows a sharing of the cost between the utility and the customer where neither can explain the amount of usage reflected on the meter.  It is not a matter where anyone’s integrity is questioned; it is merely a circumstance where excessive water use cannot be conclusively determined.  The water leak policy provides a way to give the customer partial relief from a bill that would otherwise be owed.  It does so in a manner that does not discriminate against other customers and can be applied for all those who find themselves in a similar circumstance.  We find the Company’s proposed resolution and adjustment to be reasonable and non discriminatory.

CONCLUSIONS OF LAW

The Commission has jurisdiction over United Idaho Water Inc. a water utility and the issues presented in Case No. UWI-W-96-5 pursuant to the authority and power granted it under Title 61 of the Idaho Code and the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq.

O R D E R

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED and the Commission hereby authorizes United Water Idaho Inc. to credit the bill of Dr.  Dick L. and Reta J. Oyler for the period March 26, 1996 - May 24, 1996, the amount of $316.17 which represents one half of the usage in excess of normal consumption levels.

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.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of December 1996.

                                                                                                                                       RALPH NELSON, PRESIDENT

                                                                                            MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

December 30, 1996