

authority to review any decision of its CAD upon request pursuant to Ind. Code § 8-1-2-34.5, 170 IAC 1-1.1-5, and 170 IAC 16-1. Therefore, the Commission has jurisdiction over the parties and the subject matter of this Cause.

2. Background. The record indicates that Ms. Duncan and her husband, William, established residential service in Evansville, Indiana on July 1, 2013. The actual electric meter reading on this date was 72600. Prior to July 1, 2013, service at the residence had been in the Duncans' landlord's name with lower electricity consumption per month. On August 6, 2013, the meter reading was 74068. Because the Duncans' initial meter reading was higher than it had been previously, Vectren's billing system created an exception and based the Duncans' first month's bill at the residence, dated August 9, 2013, on an estimated reading of 72956 for a total of \$93.15. This estimate was based on historical usage at the residence and included the usage information prior to the Duncans' occupation. The following month's bill, dated September 11, 2013, was based on the actual read for the Duncans of 75266, resulting in a total charge of \$485.46. This charge included \$368.69 of total electric charges, \$20.80 of total gas charges, \$2.82 in late payment charges, plus an additional \$93.15 carried forward from the previous month which was unpaid.

Ms. Duncan contacted Vectren and disputed the electric charges from the September 11, 2013 bill. Vectren removed the electric meter from the Duncans' residence on September 18, 2013 and replaced it with a different meter. On September 19, 2013, Vectren performed a test of the meter that was removed from the Duncans' residence. The meter test registered 100.31% of its rated capacity. Vectren determined that the meter was accurate and made no adjustment to the Duncans' account. Vectren notified Ms. Duncan of the test results and informed her of payment plans available to satisfy the account and avoid disconnection of service.

Ms. Duncan initiated a complaint with the CAD regarding her billing dispute with Vectren on October 21, 2013. At Ms. Duncan's request, the CAD also conducted a supervised test of the electric meter that was removed from the Duncans' residence on November 11, 2013. The supervised meter test results indicated that the accuracy of the meter was within approved guidelines. Ms. Duncan was informed of the meter test results on November 12, 2013 and that the bills from Vectren correctly reflected her electricity usage. Ms. Duncan responded that she and Mr. Duncan do not have sufficient income to pay their Vectren bill. She also indicated that she believes the Vectren bill is incorrect because they could not have used that much electricity.

On November 25, 2013, the CAD contacted Ms. Duncan informing her that the CAD had reviewed the Duncans' usage at their two previous addresses. The usage at their current residence is consistent with their prior usage. Vectren informed the CAD on November 25, 2013, that it would allow the Duncans to pay the outstanding charges over a five month period. On January 8, 2014, Vectren informed the CAD that the Duncans had not made any recent payments on the account and their outstanding balance was \$1120.11. On January 9, 2014, Vectren indicated that it would allow the Duncans to pay their unpaid charges over a six month period. The same day the CAD complaint analyst closed the case and determined that the Duncans' complaint was unjustified.

On January 15, 2014, Ms. Duncan requested a review of the complaint analyst's

determination by the CAD Director. On January 17, 2014, the CAD Director affirmed the complaint analyst's decision and concluded that the facts alleged in Ms. Duncan's complaint fail to state a violation under any statute, administrative rule, or Commission order governing the provision of utility services in Indiana and the Duncans are responsible for the electric service billed on September 11, 2013. Ms. Duncan has requested a review of the CAD decision and claimed that Vectren placed an unjust financial burden on her for electric service. The Director of the CAD received notice from Ms. Duncan on January 21, 2014 requesting Commission review of the January 17, 2014 CAD decision.

3. Standard of Review. As referenced in the Commission's February 6, 2014 docket entry, this Cause involves an appeal of an issue that was considered and decided by the CAD pursuant to Ind. Code § 8-1-2-34.5 and 170 IAC 1-1.1-5. A record already exists, which consists mainly of information supplied by the parties, and was considered by CAD in reaching its decision. Therefore, consistent with the Commission's authority as set forth in 170 IAC 1-1.1-5 and the procedures detailed in Ind. Code § 8-1-2-34.5, the Commission's review in this Cause will be based upon: (1) a review of the record; and (2) consideration of arguments by the parties based upon the existing record.

4. Arguments Presented by the Parties. On February 26, 2014, Vectren filed with the Commission its Answer to the Duncans' appeal of the CAD Decision which consisted of a timeline of the events surrounding the Duncans' disputed bill for electric service. In addition, at the April 17, 2014 public hearing, both parties presented oral arguments concerning the issues raised in this matter.

A. Argument Presented by Complainant. Ms. Duncan argues that the meter consumption attributed to the Duncans' residence is inaccurate. She asserts that the meter reading must have been incorrect given her historic bills at other properties, the historic bills at the current residence prior to the Duncans' occupancy, and the resulting charges place an unreasonable financial burden on the Duncans.

B. Argument Presented by Respondent. Vectren asserted that it and the CAD confirmed Complainant's meter was accurate through two separate and independent tests of the meter that was removed from the Duncans' residence. Vectren also indicated that it reviewed the Duncans' bill for appropriate charges and the amount charged for service was correct for the electric service used by the Duncans. At the public hearing, Vectren noted that it has worked with the Duncans to help them qualify for the "Keep Service On" program, which granted \$200 towards their account balance, reducing the outstanding balance to \$1,146.38. Vectren also setup a payment plan for the Duncans. Vectren also noted that the Duncans' June through August usage in 2013 was consistent with their usage over the same period in 2012 at a prior residence. Vectren argued that the CAD Decision was correct and should be affirmed.

5. Commission Discussion and Findings. The primary issue in this Cause is whether the meter reading for electric consumption at the Duncans' residence was accurate for the disputed billing period and as a result whether the bill for that period is correct. After receiving their bill for service dated September 11, 2013, the Duncans contacted Vectren alleging that the electric

consumption attributed to their residence was in error. Vectren removed and tested the electric meter after the Duncans' requested the meter be tested. After elevating her dispute with Vectren to the CAD, the CAD had a supervised test of the electric meter performed. The results of both tests demonstrate that the meter was accurately measuring the amount of electric service used at the Duncans' residence. Based upon the evidence, the Commission finds that Vectren's meter readings were accurate and the resultant bills for electric service submitted to the Duncans were correct. We conclude that the CAD Decision was correct in finding that Ms. Duncan's complaint fails to state a violation under any statute, administrative rule, or Commission order governing the provision of utility services in Indiana and the Duncans are responsible for the electric service billed on September 11, 2013.

We note that the Duncans' first bill for service at their current residence was based on an estimated meter read, which was lower than their actual consumption, and appears to have caused the disagreement between the Duncans and Vectren. Such estimations can result in fluctuations in the customer's bills for service which may impact the customer's ability to budget for payment. We further note that Vectren has worked to lessen the financial burden and impact on the Duncans by agreeing to accept payment for their total outstanding balance over a six month period. The outstanding balance does not include any interest for late payments, but does include late payment charges of \$27.96.

While we are sympathetic to the Duncans' situation, the Commission affirms the findings of the Consumer Affairs Division.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. The Informal Complaint Resolution issued by the Commission's Consumer Affairs Division in this matter on January 17, 2014 is hereby affirmed by the Commission in its entirety.
2. The Order shall be effective on and after the date of its approval.

ATTERHOLT, MAYS, AND ZIEGNER CONCUR; STEPHAN AND WEBER NOT PARTICIPATING;

APPROVED: MAY 14 2014

I hereby certify that the above is a true and correct copy of the Order as approved.



**Brenda A. Howe
Secretary to the Commission**