



May 12, 2023

Sent via email

**Letter L-21-23**

[REDACTED]  
Building Maintenance Manager - [REDACTED]  
[REDACTED]

**Re: FortisBC Energy Inc. – Complaint filed by A.B. – British Columbia Utilities Commission Decision**

Dear [REDACTED],

The British Columbia Utilities Commission (BCUC) writes regarding your complaint, submitted on November 7, 2022, concerning FortisBC Energy Inc. (FEI)'s gas billing adjustment to a consumption spike caused by a fault in your HVAC system. In your complaint, you state that by not accurately billing or alerting you to the spike in consumption, FEI contravened the General Terms and Conditions of its Tariff and deprived you of the opportunity to remedy the fault in your HVAC system resulting in additional cost to you.

When the BCUC reviews complaints, it uses the criteria of whether the utility reasonably responded to the customer's concern(s) and whether the utility followed its approved Tariff and the *Utilities Commission Act* (UCA). As an administrative tribunal, the BCUC follows its own process for a number of procedures, including complaints. The BCUC is not a mediator of disputes; rather, it is an independent regulatory agency of the Provincial Government that operates under and administers the UCA. Based on our review of your Complaint and related correspondence provided in this matter, the BCUC are satisfied that FEI have not breached the terms of the Tariff and the UCA.

This letter outlines the BCUC's review process, and then provides a summary of your complaint, the issues raised, the BCUC's review of each issue, and potential next steps you can take.

### **Review Process**

In reviewing FEI's responses, under the BCUC Customer Complaints Guide<sup>1</sup>, the BCUC has, amongst other things, referred to FEI's approved Tariff which contains the terms and conditions of service between FEI and its customers to ensure FEI's actions were in accordance with the approved Tariff.

The current version of FEI's Tariff was approved by Order G-135-18, which came into effect November 1, 2018. Later amendments were made to Section 16 by Order G-217-20 effective from August 14, 2020. FEI's Tariff is set through a formal BCUC proceeding. In the Tariff, rates for each class or type of customer (residential, commercial, industrial) and terms and conditions are designed through a public consultation process to cover the cost of supplying customers in that class.

### **Complaint**

#### **A.B.'s position**

Within your complaint you submit your concerns with FEI's handling of a spike in consumption at your premises when it erroneously determined an uncharacteristically high meter reading to be the result of a keying error when, in fact, it

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<sup>1</sup> [BCUC Customer Complaints Guide](#)

was caused by a fault in your building's HVAC system. By misidentifying the cause of the high meter reading in July 2022 and not immediately notifying you as the customer, you state that FEI deprived you of the opportunity to identify and address the cause which led to the fault continuing to drive up your gas consumption through the remainder of the month and into early August.

Upon receiving an unusually high gas bill on August 5, 2022, you contacted FEI's customer service department to inquire as to the cause. You were initially informed incorrectly that the cause had been an administrative adjustment after no reading was taken by FEI in July, and that charges would normalise in the next billing cycle. After tracking the source of the consumption spike to your HVAC system you were told on further inquiry that a reading was taken in July and flagged for analysis, thereafter, being incorrectly attributed to a keying error and adjusted down.

After your initial complaint was filed with the BCUC, you submitted several statements in response to FEI's submissions. In them, you outline your view that FEI had not abided by the terms set out in its Tariff, specifically in relation to Sections 16.4, 16.6 and 19.6. You state in your submissions that sections 16.4 and 16.6 only allow estimated meter readings in cases where either no meter reading was obtained or the meter fails to measure the delivered quantity of gas correctly; neither of which are applicable to this specific situation. In relation to section 19.6, you state that FEI breached this section of its tariff when it failed to notify you promptly upon obtaining the first high reading on July 8, 2022.

### **FEI's position**

In responses to your complaint, subsequent replies and BCUC staff questions, FEI maintained that it acted appropriately under the circumstances and in accordance with its Tariff with the information available to it at the time.

FEI stated that it followed its standard internal process for examining spikes in the consumption recorded at a meter reading, wherein an analyst is assigned to review the reading to determine a most likely cause. In this case, by comparing the recorded reading against historic data, the analyst determined the most likely cause to be an error in entering the actual meter reading into FEI's system by the meter reader, known as a keying error. With this determination, FEI stated that Sections 16.4 and 16.6 of the General Terms and Conditions of its Tariff afford it the right to issue an estimated consumption figure for the purposes of billing; a procedure intended to prevent unnecessary over- or under-billing. FEI reiterated that while it ultimately transpired that the original reading was correct, its actions in estimating consumption were protected by the Tariff given the information available to it at the time.

FEI went on to address your claim that it breached Section 19.6 of its Tariff by failing to promptly notify you of the spike in consumption. By its submissions, FEI asserted that it upheld the terms of Section 19.6 as, once it became aware that the initial meter reading was correct and a spike in consumption had occurred, it took action to correct the previous under-billing and notified you by way of the inclusion of a back-payment item in the bill for the period ending on August 5, 2022. Furthermore, FEI acknowledged with regret that you were misinformed by its customer service representative on August 18, 2022 and stated that the representative had been provided appropriate coaching and additional training as a result.

### **Determination**

Upon review of all complaint correspondence, the BCUC notes your acknowledgement that the BCUC does not act as an arbitrator for financial compensation claims between utilities and their customers. As a result, this determination will focus only on regulatory matters over which the BCUC has jurisdiction and will not address the \$350 excess consumption cost included in your initial complaint.

The arguments made by both parties are based heavily on General Terms and Conditions of FEI's Tariff, specifically on Sections 16.4, 16.6 and 19.6. Based on the correspondence received, the BCUC notes that while you are correct in your argument that sections 16.4 and 16.6 do not explicitly define an erroneous meter reading assessment as a trigger for consumption estimation, such a scenario is not specifically contemplated in the Tariff at all. As a result, considering all aspects of the complaint and FEI's actions in light of the absence of this specific scenario from the

General Terms and Conditions of its Tariff, the BCUC has determined that FEI has not breached its Tariff in estimating your consumption. However, the BCUC also notes that this scenario highlights a gap in FEI's internal procedures for analysing and determining the cause of uncharacteristically high meter readings. While the BCUC agrees with your assertion that this could be resolved by the inclusion of a secondary reading into its internal procedures where a keying error is suspected, the BCUC does not have jurisdiction over a utility's internal processes and procedures.

With regards to Section 19.6, the BCUC finds that FEI did act in accordance with the General Terms and Conditions of its Tariff. While acting initially on an erroneous assessment that a keying error had caused the high meter reading, once the initial reading was confirmed to be true, FEI acted promptly and appropriately to notify you of the consumption spike through the inclusion of the back-paid consumption figure for the July 8, 2022 meter reading in your bill for the period ending on August 5, 2022.

Based on the above, the BCUC finds that FEI's actions have been consistent with its duties and responsibilities as set out in its Tariff and the UCA.

Accordingly, your file is now closed.

### **Office of the Ombudsperson**

If you have concerns about how the BCUC handled your complaint, you may wish to contact the Office of the Ombudsperson. The Office of the Ombudsperson receives enquiries and complaints about the practices and services of public agencies within its jurisdiction. Their role is to impartially investigate complaints to determine whether public agencies have acted fairly and reasonably, and whether their actions and decisions were consistent with relevant legislation, policies and procedures.

If you decide to file a complaint with the Ombudsperson, they will review the BCUC's process to ensure it was fair. Though this may not result in a different outcome for you, the office could request that the BCUC reopen its investigation.

Provided is a link to the Office of the Ombudsperson's website: <https://www.bcombudsperson.ca>.

You can also call their office toll-free at: 1-800-567-3247. An employee at the office will be able to assist you and inform you of your options.

Thank you again for contacting the BCUC

Sincerely,

*Original signed by:*

Patrick Wruck  
Commission Secretary

PH/jm

cc: FortisBC Energy Inc.