

FORMAL COMPLAINT
ORIGINAL



0000088686

ARIZONA CORPORATION COMMISSION
FORMAL COMPLAINT

Arizona Corporation Commission
DOCKETED

COMPLAINT

John P. Diaz/Huong Wofford

COMPLAINT NUMBER

#2008-70437

DATE

09/23/08

SEP 25 2008

ADDRESS

2452 Prickly Pear Drive
Mohave Valley, AZ 86440

PHONE

(928)768-1153 (Home)
(928) 542-3377 (Work)

(916) 600-0762 (Cell)

DOCKETED BY	nr
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RESPONSIBLE PARTY

John P. Diaz/Huong Wofford

E-01750A-08-0492

NAME OF UTILITY

Mohave Electric Cooperative

ACCOUNT NUMBER

131052-001

RECEIVED
2008 SEP 25 P 12:4
AZ CORP COMMISSIO
DOCKET CONTROL

GROUNDS FOR COMPLAINT:

On 08/04/08, Mohave Electric Cooperative (MEC) informed Huong (my fiancée) that we have an additional charge of \$355.30 to our July's electric bill. The cashier at the payment window crossed out the billed amount for \$39.82, wrote in \$395.12, and told Huong that this was an estimated charge for July because our meter was stuck (EXHIBIT 1). We questioned, in particular, the method for this estimation because the amount seemed high even when compared to the highest bill we have had with MEC. Huong reached Ellen Roberts, the billing supervisor, on the phone and Ellen said that her estimation was based on:

- 80% of the average reading taken 7 days after the new meter was installed
 - A 34 day billing period
 - The average usage of what other residences living in our area used
 - Adding 229 Kwh, reading taken from the stuck meter
- Total charge of 3069 Kwh = \$395.12

This method of estimation seemed unfair so Huong and I asked Ellen for a copy of the estimated bill showing the break down of charges hoping to better understand how Ellen came up with the additional \$355.30 On 08/07/08, we received the estimated bill (EXHIBIT 2):

This bill (EXHIBIT 2) did not have a break down of charges, just the additional and total charge. We are curious to know the meter reading on 07/30/08. After several conversations with Ellen on the phone, Huong and I disagreed with Ellen's method of estimation because it was unclear and seemed unfair. Since we did not get anywhere with Ellen, we asked to talk to someone higher in the company. Ellen became short and rude, she told us "NO" that there was no one higher and that she is the billing supervisor. We asked for the CEO's name and number, Ellen refused to give me the CEO's name and

told us that her method of estimation was approved by Arizona Corporation Commission. We asked for the Commission's number. Ellen put us on hold then returned with a phone number to the Commission and transferred us to the CEO's administrative assistant who, after hearing our disagreement with billing, recited Ellen's method of estimation. We received no help from the CEO's assistant either.

Huong and I contacted Arizona Corporation Commission and talked to Bradley Morton. He said that sometimes policies can be interpreted differently than what it was intended and that he would contact MEC.

About a week later, I received a phone message from Mr. Morton informing me that he contacted MEC concerning our billing dispute. No other information was given and I continued to wait for more information either by mail or phone from Mr. Morton and/or MEC.

On August 22nd, Raul, the meter technician from MEC knocked on our door, informed us that he is replacing our meter. We asked Raul why the meter had to be replaced again. Raul told us that it was probably "stuck again", or that we were on "vacation again." We thought, what does our vacation have to do with replacing our meter? So Huong contacted MEC and talked to Paula Griffith. Huong asked Paula the reason for another meter changed. Paula said she doesn't know and that she would find out and will call us back. Paula did not call back.

On August 22nd, I called Mr. Morton to follow up on July's disputed bill and to also inform him of potential dispute for August's bill because our meter was replaced again and we did not know exactly why. But I got Mr. Morton's voice mail, so I left a message. I called Mr. Morton later that same day and left another message on his voice mail to call me back. On August 26th, I called Mr. Morton again and finally reached him. Mr. Morton was angry at me. He was upset that I'd left too many messages. When asked if he thought MEC was within policy in the estimation of my July's bill, Mr. Morton recited Ellen's method of estimation and treated me as though I did not understand what Ellen did. I told Mr. Morton several times that I do not agree with Ellen's method of estimation and that I do not think she is within policy. It is unfair that Ellen not take into consideration my actual usage in June. But instead, took into consideration the average usage of other residences living in our neighborhood to estimate my actual usage. Mr. Morton then said that MEC has to "find another way of estimation." Mr. Morton contacted MEC and arranged a telephone conference call.

NATURE OF RELIEF SOUGHT:

On 09/04/08, Huong & I had a telephone conference with Mr. Morton, MEC's executive staff: Tom Longtin (CEO), Ellen Roberts (Billing supervisor), Paula Griffith (Customer Service Representative). In this conference, we discovered that we were overcharged.

Tom Longtin and Ellen Roberts now said that July's estimation was based on a 70% average from a reading taken 7 days after a new meter was installed (different than what Ellen said previously in the estimated bill (**EXHIBIT 2**)).

Huong asked for the reading on 07/30/08 since it was not indicated on the estimated bill and not on the customer history record (**EXHIBIT 2 & 3**).

When Huong verified the math based on 799 Kwh (7 day reading), based on 70% average, we discovered that MEC overcharged us 103 Kwh in addition to 229 Kwh that Ellen tacked on from a stuck meter. Total overcharge of 332 Kwh. Everyone sat in silence to this finding.

Tom Longtin insisted that MEC is within policy and offered to take off 332 Kwh from July's bill and end the conference. Huong & I did not accept this offer because there were other discrepancies we wish to address. Tom Longtin refused to listen. He accused us of "stringing him along." Tom Longtin said that he "is not scared of us." and that has been in plenty of hearing in the past, and has always been proven right. Tom Longtin also added that if the numbers do not add up now, they will add up by the time of the hearing.

Ellen Roberts does not know exactly when the meter became stuck. Ellen did not know why MEC did not replace our meter until 07/23/08 when she noted a malfunction some time in June. Ellen gave inconsistent information: She first said that 799KWh was an actual reading taken 7 days after a new meter was installed (07/30/08), then later said that it was an average of 3,600 to 4,600 Kwh, usage from other residences' living in our neighborhood the same time last year, then later said it was from several years previous. Ellen has a pattern of giving inconsistent information since the beginning of our interaction with her.

Bradley Morton denied he knew anything about the policy Huong and I were referring to after I already had clarified with him the policy that I was reading from days before the telephone conference. Mr. Morton now stated that there is no policy for this type of billing. Mr. Morton recited Ellen's method of estimation as though he approved. Mr. Morton seemed frustrated at us and partial to MEC's staff when we did not accept Mr. Longtin's offer and end the conference.

Violation of R14-2-204. Minimum Customer Information Requirements. A.1.a, c.

Our estimated bill (**EXHIBIT 2**) did not show the specific amount of usage from a reading of 7 days taken on 07/30/08. This made it difficult for the customer to verify the adjustment factor and method of calculation.

Violation of R14-2-210. Billing and Collection. A.1.

This policy states that meter reading shall be scheduled for periods of not less than 25 days or more than 35 days without *customer authorization*. If the utility changes a meter reading route or schedule resulting in a significant alteration of billing cycles, notice shall be given to the affected customers.

Our meter was stuck sometime in June, a new meter installed 07/23/08, a reading taken 7 days later, 7/30/08. We were not notified of any changes in billing, meter malfunction, meter replacement, and early meter reading until after additional charges were imposed. We were not given the opportunity to authorize anything.

Violation of R14-2-210. Billing and Collection. A. 2, 3..

This policy states that an estimated bill should be given:

- a. Customer's usage during the same month of the previous year
- b. The amount of usage during the preceding month.

Our estimated bill was figured with no consideration the above policy. MEC ignored our actual usage in June even when we asked them to consider it. Further, the method of estimation was not approved by the Commission (per Bradley Morton).

Violation of R14-2-209. Meter Reading.B..4.

A reading taken on 7/30/08 was not recorded and indicated on Print of Customer History (EXHIBIT 3).

Violation of R14-2-209. Meter Reading C.1.

A third meter #20604489 was installed to replace the second faulty meter #26868248 on 08/22/08 due to another malfunction. We were charged for a high reading from the second faulty which had been removed prior to us receiving a bill. This did not give us a chance to request a reread because the meter in question was removed on 08/22/08 and the bill did not come until after 08/26/08 (EXHIBIT 4).

Violation of R14-2-1601. 2.i.

The Arizona Corporation Commission address and toll-free telephone numbers were not on the estimated bill (EXHIBIT 2).

The Arizona Corporation Commission telephone numbers were not on the monthly bill (EXHIBIT 4).

Acceroding to ARS 40-361. A,B, C: Charges by public service corporations required to be just and reasonable; service and facilities required to be adequate, efficient and reasonable; rules and regulation relating to charges or service required to be just and reasonable.

According to ARS 40-202. Supervising and regulating public service corporations.
Section 4.B. "Meters shall meet or exceed existing standards for safety, reliability and accuracy."

Because of faulty meters for 2 consecutive months (June & July due to no fault of ours), we were overcharged and imposed an estimated usage higher than our highest bill on record with MEC. July's estimated bill lacks actual information, clarity, and proven wrong in calculation not to mention out of policy.

August's bill is in question due to a faulty meter that had to be replaced 08/22/08. MEC's staff is refusing to address the metering problem with us. MEC expects us, the customer, to accept what they say to be truthful and factual when their words have been inconsistent and vague. Why are we being punished for faulty meters when the issue should be between Elster Manufacturer and MEC?

Huong and I have been put through the mill in search for just and reasonable treatment. We respectfully request the opportunity to present our case in a hearing with effort to find resolution to unfair billing, unreliable meters, and to rectify issues of abusive business practices conducted by Mohave Electric Cooperative.

Sincerely,



John P. Diaz



Huong Wofford

9/22/08



P.O. Box 2000
 Bullhead City, Arizona 86430
 (928) 763-1100



DIAZ, JOHN P 1697 8
 2452 PRICKLY PEAR DR
 MOHAVE VALLEY AZ 86440-8580

ACCOUNT NUMBER 131052-001
 INVOICE DATE 07/25/08
 PAGE NUMBER 1

SUB ACCT	SERVICE LOCATION	DESCRIPTION	AMOUNT
001	2452 PRICKLY PEAR DR	KWH USED 229	19.05
	RATE-101 MULTIPLIER- 1	CUSTOMER CHARGE	9.50
	METER 23193737	PURCH POWER ADJ.0350000	8.02
	READ 06/19 22929	RENEWABLE ENERGY STANDARD	
	READ 07/21 23158	REQUIREMENT MANDATED BY ACC	1.05
		STATE TAX	2.11
		COUNTY TAX	.09
		TOTAL	39.82
		VOLUNTARY DONATION	1.00

From The Heart

7/25 - 7/30 = 80% - 84

BALANCE FORWARD	CURRENT AMOUNT	CURRENT DUE DATE	TOTAL AMOUNT DUE
.00	39.82	08/04/08	39.82
TOTAL WITH VOLUNTARY <i>From The Heart</i> DONATION			40.82

walked in today to pay was told that bill was \$395.12 not 398.2

TALK WITH NEIGHBORS, WIN PRIZES AND TAKE A STAND AGAINST
 CRIME! JOIN MOHAVE ELECTRIC AND REPRESENTATIVES FROM LOCAL
 FIRE & POLICE DEPARTMENTS FOR OUR 9TH ANNUAL NATIONAL NIGHT
 OUT BLOCK PARTY AT 928 HANCOCK RD ON TUESDAY AUG 5 AT 7PM.

Please mail stub with payment or bring entire bill with payment to:

Mohave Electric Cooperative, Inc.
 P.O. Box 2000
 928 Hancock Road
 Bullhead City, AZ 86430

ACCOUNT DIAZ, JOHN P 131052-001
 Invoice Date 07/25/08
 Total Amt Due 39.82
 TOTAL WITH DONATION 40.82

395.12

PLEASE DO NOT FOLD

0001310520010000039820000040821

- EXHIBIT 1



P.O. Box 2000, Bullhead City, Arizona 86430

August 1, 2008

JOHN P DIAZ
2452 PRICKLY PEAR DR
MOHAVE VALLEY AZ 86440-8580

RE: Account #131052-001

Dear Consumer:

A stuck meter has been located and replaced at 2452 Prickly Pear Dr . The meter has not operated properly since after the June billing.

We are billing you an additional amount of \$355.30, which represents additional usage of 2840 kWh for July 2008. This brings the actual balance on your account to \$395.12. The amount was figured using 80% of the average usage from a reading taken seven days after the new meter was installed.

We apologize for any inconvenience this may cause you. If you have any questions, please contact me at 763-4115, ext. 531.

Sincerely,

MOHAVE ELECTRIC COOPERATIVE, INC

(Mrs.) Ellen Roberts
Consumer Accounts Supervisor

ER/cs

EXHIBIT 2

131052-001 MAP LOC #3302-05-28-310 ROUTE 765 SEQ 1150 METERS
 DIAZ, JOHN P MEMB AMT 500 DATE 24-819-478 E
 2452 PRICKLY PEAR DR DEPART CREDIT HISTORY 11111211110 ST 2
 MOHAVE VALLEY AZ 864408580 SRV/ADR 2452 PRICKLY PEAR DR MULT 1 1

DATE	S	RSP	READ	C	RD-DATE	DAYS	RATE	CHARGE	USE	S/L	OTHER	TAXES	BALANCE
08-26-08	1		3416		08-20-08	30	101	296.34	3448	120.68	1.05	24.46	837.65
08-01-08	1											99.40	395.12
08-01-08	1											236.26	295.72
08-01-08	1											.84	59.46
07-25-08	1											18.80	58.62
07-08-08	1											1.05	
06-26-08	1											2.20	39.82
06-09-08	1											122.37	.00
05-28-08	1											6.76	122.37
05-08-08	1											212.26	.00
04-25-08	1											1.05	212.26
04-10-08	1											11.73	.00
03-27-08	1											148.05	169.35
03-26-08	1											9.36	158.42
02-27-08	1											8.18	327.77
02-07-08	1											8.75	148.05
01-25-08	1											146.17	158.42
01-14-08	1											8.08	.00
12-27-07	1											140.13	146.17
12-07-07	1											7.74	.00
11-28-07	1											164.36	140.13
11-13-07	1											9.09	.00
10-26-07	1											77.15	164.36
10-16-07	1											4.26	.00
09-26-07	1											25.00	77.15
												2.09	.00
													37.86

MOHAVE

electric cooperative
A Touchstone Energy Cooperative

P.O. Box 2000
Bullhead City, Arizona 86430
(928) 763-1100

(602) 269-1731



DIAZ, JOHN P 1722 9
2452 PRICKLY PEAR DR
MOHAVE VALLEY AZ 86440-8580

ACCOUNT NUMBER 131052-001
INVOICE DATE 08/26/08
PAGE NUMBER 1

SUB ACCT	SERVICE LOCATION	DESCRIPTION	AMOUNT
001	2452 PRICKLY PEAR DR	PRIOR BALANCE	395.12
	RATE-101 MULTIPLIER- 1	KWH USED 3448 x ^{9.519} 3.5 cents	286.84
	METER 26868248	CUSTOMER CHARGE	9.50
	READ 07/21 0 23158 ^{7/21}	PURCH POWER ADJ.0350000	120.68
	READ 08/20 3416 23190 ^{7/23}	RENEWABLE ENERGY STANDARD	
	METER CHANGE	REQUIREMENT MANDATED BY ACC	1.05
		STATE TAX	23.41
		COUNTY TAX	1.05
		TOTAL	837.65
		VOLUNTARY DONATION	1.00



BALANCE FORWARD	CURRENT AMOUNT	CURRENT DUE DATE	TOTAL AMOUNT DUE
395.12	442.53	09/05/08	837.65
TOTAL WITH VOLUNTARY DONATION			838.65

BALANCE FORWARD IS SUBJECT TO SERVICE DISCONNECTION.
CURRENT DUE DATE IS FOR CURRENT AMOUNT ONLY.

OPERATION COOL SHADE IS BACK! APPLICATIONS WILL BE AVAILABLE
SEPT 10-23 AT THE CUSTOMER SERVICE OFFICE AT 928 HANCOCK RD
MONDAY-FRIDAY, 8AM-5PM. BEAUTIFY, CONSERVE AND SAVE. SEE
AUGUST CURRENTS FOR MORE INFORMATION.

Please mail stub with payment or bring entire bill with payment to:

ACCOUNT DIAZ, JOHN P 131052-001
Invoice Date 08/26/08
Total Amt Due 837.65
TOTAL WITH DONATION 838.65

Mohave Electric Cooperative, Inc.
P.O. Box 2000
928 Hancock Road
Bullhead City, AZ 86430

PLEASE DO NOT FOLD

0001310520010000837650000838651

EXHIBIT 4