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BRITISH COLUMBIA UTILITIES COMMISSION

ORDER NUMBER G-72-04

IN THE MATTER OF
the Utilities Commission Act, R.S.B.C. 1996, Chapter 473

and

An Application by Princeton Light and Power Company, Limited
for Approval of Metering and Back-billing Tariff Changes

BEFORE:	L.F. Kelsey, Commissioner	)	
	K.L. Hall, Commissioner	)	July 29, 2004

O R D E R

WHEREAS:

A. On April 27, 2004 Princeton Light and Power Company, Limited ("Princeton", "Utility") applied for Commission approval to amend Electric Tariff BCUC No. 5, Section 6.7 Back-billing and Section 5.2 Metering Location ("Application"); and

B. The reasons given were to clarify the responsibility of the customer when illegal activities are encountered by the Utility on its service connections, and to give the Utility flexibility to avoid potential power theft opportunities where parts of the service connection are out of sight; and

C. Princeton requested comments from its largest customer, Weyerhaeuser Company Ltd., and from The British Columbia Public Interest Advocacy Centre; and

D. The Commission has reviewed the Application and supporting material, all as set forth in the Reasons attached as Appendix A to the Order.

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NOW THEREFORE pursuant to Sections 58 and 61 of the Utilities Commission Act, the Commission orders as follows:

1. The amendments to Electric Tariff BCUC No. 5, Section 6.7 Back-billing set out in Princeton's May 28, 2004 response to Commission Information Request No. 1 are approved, effective August 1, 2004.

2. The amendments to Electric Tariff BCUC No. 5, Section 5.2 Metering Location are denied.

DATED at the City of Vancouver, in the Province of British Columbia, this 10th day of August 2004.

BY ORDER

Original signed by:

L.F. Kelsey
Commissioner

Attachment

PRINCETON LIGHT AND POWER COMPANY, LIMITED
APPLICATION FOR TARIFF CHANGES

REASONS FOR DECISION

1.0 BACKGROUND

On April 8, 2004 Princeton Light and Power Company, Limited ("Princeton", "Utility") informed the Commission that, after a lengthy trial, a jury had awarded a customer punitive damages after the Utility disconnected him for illegal bypass of the meter and refused to re-connect without payment of outstanding debt. Through the use of a monitoring device, the Utility had found that the meter in a rental premise was being bypassed and informed the police, who discovered a marijuana grow operation. Princeton cut off the power and made its own calculations as to how much power had been used and for how long. The Utility is currently appealing the decision but believes that much of the problem is due to not having clearly defined rules in its Tariff.

2.0 APPLICATION

On April 27, 2004 Princeton applied for Commission approval to amend Electric Tariff BCUC No. 5, Section 6.7 Back-billing and Section 5.2 Metering Location ("Application"). The reasons given were to clarify the responsibility of the customer when illegal activities are encountered by the Utility on its service connections, and to give the Utility flexibility to avoid potential power theft opportunities where parts of the service connection are out of sight. In its response to a Commission Information Request, the Tariff wording was amended slightly and the Utility's Customer Service Application document was also filed for approval. Princeton also provided a copy of a letter stating that its counsel was satisfied that the amendments clarify that the customer is responsible for all consequential costs, losses and damages that may be incurred or suffered by Princeton in the circumstances referred to.

3.0 INTERESTED PARTY COMMENTS

At the request of Commission staff, Princeton obtained comments from its largest customer, Weyerhaeuser Company Ltd., and from The British Columbia Public Interest Advocacy Centre ("BCPIAC"). Weyerhaeuser Company Ltd. responded that it did not see the changes affecting its rates or operations in any way, and therefore supported the changes. BCPIAC stated that, while the proposed changes to Section 6.7 are simple clarifications, the proposed changes to Section 5.2 are substantial and substantive. BCPIAC suggested a separate procedure which would allow all electrical utilities and interested parties to explore ways of meeting the concerns expressed by Princeton, while protecting the legitimate interest of customers. BCPIAC was therefore unable to support the changes to Section 5.2.

In its response, Princeton acknowledged that, while it could become overbearing in its demands to change and modify existing services, the amount of time and effort required would be self-regulating. The Utility believed that the BCPIAC suggestion was sensible, although idealistic, and would mean extensive delays and greater costs.

4.0 COMMISSION DETERMINATIONS

The original Tariff Back-billing terms required the customer to be responsible for direct administrative costs incurred in the investigation of an incident of tampering. However, the wording stated that the <u>customer</u> had to have tampered with the utility's service. Princeton's proposed new Tariff wording adds "or any other person…" and "liable for all consequential costs, losses and damages, whether direct or indirect, that may be incurred or suffered by the utility, ….” Other minor changes were made for clarity, such as “Other then” (sic) for “Subject to”.

The Commission agrees that the changes to Section Electric Tariff BCUC No. 5, Section 6.7 Back-billing are reasonable in the circumstances.

Princeton’s existing Tariff and similar tariffs for FortisBC Inc. and British Columbia Hydro and Power Authority state that meters must be located on an outside wall in an easily accessible location, and not be exposed to hazardous situations. All tariffs require that the utility approve the location. All meters and associated wiring are required to be approved by the Electrical Safety Inspectors according to the Electrical Code. Rule 6-408 of the Code requires that the meters be located as near as practicable to the service box and that the location comply with the requirements of the supply authority.

Common practice, which has been approved over the years by the inspectors, is to locate the wiring to the meter either within an outside wall or within a weather and mechanical protected conduit along the outside of a wall. These methods could be used for an overhead or underground service and are covered by a number of electrical code provisions. They are generally determined at the time of house construction. In the case of underground connections, the conduit may be encased in the footings of the building. Renovations could utilize either method.

Princeton proposes that the entire service mast be located on an outside wall and must not be concealed in any part of the building or pass through the roof structure. Its revision also requires that meter locations for rural customers may be required to be placed on a service pole located at the property line and be fully visible from the normal access area. In response to the Commission’s Information Request, the Utility stated that underground services would have the meters located remotely at the transformer cabinets, junction boxes, or on the dip pole and would be read remotely.

Also in response to the Commission Information Request, the Utility stated that it was the intention to apply tariff changes to every service on the system, but that priority would be give to areas considered to be a problem. Also, new services and renovations would be required to implement these changes.

Princeton has provided no analysis of the costs of the proposed changes. For new construction, the cost difference between placing a mast on an outside wall or through the wall may not be material. However there may be situations where one method has a distinct advantage over the other. Meters located on poles or inside kiosks would be inaccessible to customers should they wish to verify their meter readings. Also, because of the precedent setting nature of this tariff, the Commission believes that approval would require an unambiguous analysis of the impact it will have on customers.

The amendments to Electric Tariff BCUC No. 5, Section 5.2 Metering Location are denied.