

February 24, 2023

Sent via email

Letter L-9-23

Re: FortisBC Energy Inc. – Complaint filed by N.S. – British Columbia Utilities Commission Decision

Dear [REDACTED],

The British Columbia Utilities Commission (BCUC) writes regarding your complaint, submitted on June 16, 2022, concerning an error within FortisBC Energy Inc. (FEI)'s automated payment process that resulted in your bill being paid by another account holder, for the past 10 years. You stated within your complaint that as the error created by FEI and you had completed your obligations concerning setting up automated payments to pay for your consumption, back billing provisions should apply. Further you stated that you should only pay back a reduced sum for a six (6) month term, as per FEI's Tariff (Complaint).

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 reasonably responded to your concerns and acted in accordance with the Tariff and the UCA.

Review Process

In reviewing FEI's responses, under the BCUC Customer Complaints Guide¹, 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 January 1, 2018. 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.

¹ [BCUC Customer Complaints Guide](#)

Complaint

N.S.' position

Within your complaint you submit your concerns with being billed for 10 years of consumption by FEI due to an administrative error with your automated billing information. Further stating your correspondence with FEI on the matter included within the first call "they mentioned that we are owing about 8000 \$ and they acknowledged that this was not our fault as Fortis BC customer. On the second call they mentioned that we are owing about 9000\$, and our account was being charged wrongly for about 10 years." Further you stated that you had set up automated payments with FEI and over the years received bills that stated, "Please do not pay – Will be withdrawn automatically" with the previous billed amount shown as paid in full.

Between July 3 and July 15, 2022, you submitted further correspondence reiterating your concern about paying for ten years of consumption, as required by FEI.

FEI's position

FEI submitted that the error was first discovered when the owner of the account, that was reportedly making the payments for your account, came forward with their concern. After FEI performed an investigation into the payment allocation for each account, it was determined that the error had been ongoing since February of 2012. The error was made by FEI when first setting up your profile which resulted in the incorrect banking information being attached to your natural gas account. Although bills issued by FEI since that time indicated that your account was paid in full, this was a result of another customer making the payments. Subsequently, FEI provided a refund to the other customer which has resulted in an outstanding balance on your account.

FEI stated that an outstanding balance of \$9,402.15 has been applied to your account and reflects the amount owing for consumption since opening your account on February 7, 2012.

FEI submitted that as this was not an error in the amount being billed, but a requirement for a customer to pay for consumption. FEI stated that due to the lack of an adjustment to the amount owing, back billing terms are not applicable.

Further, in response to BCUC Staff questions, FEI provided its process regarding Pre-authorized Payments Plan (PPP) outlining the steps taken by FEI Staff when enrolling customers into the PPP. The process includes measures to minimize the number of administrative errors from occurring. Measures include the requirement to receive banking information in written form, or self entry by the customer, a visual confirmation and manual review of the banking information entered, following the review, a second field is populated where the account number is re-entered as a secondary check for accuracy.

Determination

Upon review of your complaint correspondence, it is noted by the BCUC that the amount being invoiced by FEI to your account is not due to a rate error, but an administrative error that resulted in an alternate party paying for your service. The amount due was not found to be too high or too low causing a corrective action, but rather an incorrect payment method.

With regard to the payment term of 10 years, the BCUC notes that the FEI Tariff, Section 16.1 states, "FortisBC Energy will bill the Customer in accordance with the Customer's Service Agreement, the Rate Schedule under which the Customer is provided Service, and the fees and charges contained in the General Terms and Conditions."

Further, the BCUC notes that FEI's Tariff, section 19.2 states:

*Back-billing means the rebilling by FortisBC Energy for Services rendered to a Customer because the **original billings are discovered to be either too high (over-billed) or too low (under-billed)**. ...The cause of the billing error may include any of the following non-exhaustive reasons or a combination of them...(j) incorrect reading of meters or data processing; [emphasis added]*

The BCUC finds that the error would not be resolved with back billing methods, but reflect FEI's Tariff, Section 16.1 and requires payment in full.

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:

Sara Hardgrave
Acting Commission Secretary

DD/db
Enclosure

cc: FortisBC Energy Inc.