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Environmental Law ▪ *Utility Law*

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VIA ELECTRONIC DELIVERY
Molly Lynch, Esq.
Staff Attorney/Hearings Examiner
Department of Energy
21 South Fruit St, Suite 10
Concord, NH 03301

Re: [REDACTED] – Customer Complaint – CPT 2024-006
Pennichuck Response – CONFIDENTIAL CUSTOMER INFORMATION

PROCEDURAL BACKGROUND

The following is to respond to the Department of Energy’s (“DOE”) request for a response pursuant to RSA Chapter 365.

On July 26, 2024, DOE forwarded to Pennichuck Water Works, Inc. (“Pennichuck”) a formal complaint from [REDACTED] of [REDACTED], dated July 12, 2024, for a response from Pennichuck. For purposes of the remainder of this response, Pennichuck refers to [REDACTED] as the “Customer” so as to protect her personal information and to minimize redactions that would need to be made to post this response publicly.

To summarize the complaint, Pennichuck understands that the Customer requests a “credit for water, not used, but billed by Pennichuck Water”. The basis for the request is that “Water Meter calibration and testing not followed provision PUC 605, Meter Accuracy and Testing.” The Customer alleges that from May 11, 2024 to May 17, 2024 “no one was in my home and my irrigation water valve and controller were in the off position.” The Customer states that there “was no evidence of water usage inside or outside when I returned home” on the afternoon of May 18th. The Customer states that their meter is 18.5 years old and alleges that it has not been calibrated since it was installed. The Customer suspects some type of “signal malfunction” as to why their water bill is higher than usual. The Customer expressed concern that the meter testing was not done by an independent source and that they were not present for the testing. Lastly, the Customer claims they “tried, unsuccessfully to work with Pennichuck” to resolve the issue.

Although the Customer cites the legal authority as Puc 605, DOE recently adopted meter testing rules, En 605. Accordingly, this response is pursuant to RSA 365:2 and En 605 as well as pursuant to the terms and conditions of Pennichuck’s filed tariff.

RESPONSE

During the week of July 1st, the Customer spoke with Manager and Supervisor of the Department of Revenue and Customer Operations about the June 2024 bill. Also, on July

8, 2024, the Customer personally met with Pennichuck's Director of Revenue and Customer Operations (Tara King) to review the bill. On July 9, 2024, Pennichuck received an inquiry from the DOE regarding this Customer. DOE stated that the Customer had been on vacation during May and questioned their water bill because usage was higher than usual. The bill in question is the June 2024 bill (Attachment A) which totals \$267.65 for usage from April 29, 2024 to June 3, 2024.

Pennichuck tested the Customer's meter on June 17, 2024. Those results were as follows:

Meter #	Address	Service #	Read	High	Intermediate	Low	P/F/NT	Date
81467806	[REDACTED]	025578	180484.59	98.795082	100.240791	98.889458	P	06/17/2024

The meter test results demonstrate that the meter is within the prescribed accuracy parameters under the DOE's rules. Per En 605.05(c), bill adjustments and credits are warranted if there is an error with the meter. Here, there is no evidence of error.

On July 12, 2024, the Customer emailed asking why they were not invited to be present when the meter was tested. Pennichuck also understands from an email provided to Pennichuck from the DOE that the Customer told DOE, also on July 12, 2024, that they wanted a meter test. It is unclear whether this DOE email is a request for an independent testing. Nonetheless, Pennichuck responded to the Customer that same day with three dates for the Customer to be present for retesting by Pennichuck. The Customer responded on July 15, 2024 (Attachment D) with a response that they were not available but also that they "[did] not believe that my attending a test over a month since it was removed from my home would be meaningful". The Customer's response appears to be a rejection of the offer to attend a retest. Pennichuck notes that the passage of time the Customer raised as a concern is not something that would adversely affect a retest.

In looking at past usage, (see Attachment B-Data Logger), the usage for [REDACTED] has numerous readings, both before and after the May 2024 usage period, of 100 cf. The data logger also shows the sudden spike in usage May 14th through May 18th. The Customer is said to have returned home on May 18th. The usage data from before and after the May 14-18, 2024 spike does not evidence that the meter was reading incorrectly.

Next, in reviewing this particular Customer's usage to see if there was evidence of a misreading meter, past usage includes periodic usage spikes. As seen in Attachment C-Customer Usage History, there are periodic spikes in usage above the Customer's customary single digit usage. Those can be seen in September 2022, August 2022, August 2021, July 2021, and then in June/August/October/November of 2020. Although these 2022 through 2020 spikes are not as high as the May 2024 spike, they are deviations from this Customer's usual single-digit usage. The usage data also does not evidence that the May 2024 usage was a result of the meter malfunctioning. The meter measured the usual lower usage after the May spike, again not suggesting that there was a problem with the meter. Even from this view point, Pennichuck does not see that a bill adjustment under En 605.05 or under Original Page 15 of Pennichuck's tariff is triggered.

The Customer expressed concern that an independent source test the meter but En 605.04 specifically requires that the water utility, not an independent entity, test the meter. Further, independent testing is a process triggered under the rules by a customer request. No clear request has yet been made for independent testing. Should a request for an independent testing entity be made, Pennichuck will certainly comply with that process.

In light of the data logger information, historical usage, periodic usage spikes, and the meter testing without error, and in light of the bill adjustment criteria prescribed in the En 605 rules and in Pennichuck's approved tariff, Pennichuck has not found fault with its meter or service rendered such that a reparation would be warranted. En 605.04(f)(3) and En 605.05 provide for a refund of a charge or a bill adjustment only if the meter is found to be over-registering. Here, the meter tested with no errors.

Pennichuck respectfully disputes the allegations raised in the complaint. The DOE's rules and Pennichuck's tariff envision equal application of the rules and tariff provisions. Pennichuck has methodically reviewed the past historical data, data associated with the specific meter in question, and has tested the meter. Pennichuck has offered dates to the Customer to attend a retest but the Customer has rejected that opportunity. Pennichuck wishes it had an explanation for the customer's spike in usage (May 14th to May 18th), but there is no evidence to support that the spike in usage was due to equipment failure on Pennichuck's part. For these reasons, Pennichuck disputes the allegations that its meter was the cause of this Customer's higher than expected usage that is reflected in the June 2024 bill. The evidence needed to trigger reparations does not appear to exist.

Pennichuck believes this response addresses the issues raised by the Customer and by DOE, however, should the DOE still have any questions or need additional information please let us know. Thank you.

Very Truly Yours,



Marcia A. Brown

cc: Customer of CPT 2024-006
John Boisvert, Pennichuck
Tara King, Pennichuck