

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

Lois Deneui,)	
)	
Complainant)	
)	
vs.)	Docket No. CN10-002
)	
MidAmerican Energy Company,)	
)	
Respondent.)	

ANSWER AND MOTION TO DISMISS

MidAmerican Energy Company (MidAmerican) hereby provides its Answer to the above-captioned Complaint:

1. MidAmerican denies that it has violated any law, statute, order or rules in connection with Complainant's statements about her account at 112 W 3rd Avenue, Lennox, South Dakota, Account 56700-55011.
2. MidAmerican admits that on August 7, 1995, the American 250 natural gas meter, A95116370, was set with an Encoder Receiver Transmitter (ERT) device at 112 W 3rd Avenue, Lennox, South Dakota.
3. MidAmerican admits that Account 56700-55011 was opened on November 17, 1987, in the Complainant's name at 112 W 3rd Avenue, Lennox, South Dakota.
4. MidAmerican admits that on February 1, 2007, the ERT was not properly reporting a meter reading for the monthly billing. Therefore, later that day a

representative went to the property where they removed the existing ERT device and replaced it with a new one.

5. MidAmerican admits that on December 11, 2009, a MidAmerican representative went to the property to complete a gas meter set survey inspection as required by CFR § 192.481¹. During the inspection, the representative reported that the reading on the meter's index was significantly higher than the previously billed ERT device reading. MidAmerican further admits on December 21, 2009, a representative confirmed that the ERT device was programmed incorrectly.

6. MidAmerican admits the ERT device must be programmed to match the meter's drive rate in order for the gas consumption to be recorded properly.

MidAmerican further admits that the ERT device drive rate on the American 250 natural gas meter, A95116370, was programmed at one cubic foot per revolution instead of two, which resulted in the device reporting only half of the actual gas consumption used at the property. The representative removed the existing ERT device and meter's index and replaced it with a new one and programmed the new device correctly.

7. Based on the foregoing information, MidAmerican believes with reasonable certainty that the programming error for the ERT device occurred when the device was changed on the natural gas meter A95116370 on February 1, 2007.

8. MidAmerican admits that ARSD § 20:10:17:09 states that:

“If a customer has been overcharged or undercharged as a result of an incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection of the meter, application of an incorrect multiplier or constant or other similar reason, the overcharge shall be refunded to the customer or the undercharge may be billed to the customer. The refund or charge shall not exceed one year, unless the date of the error can be fixed

¹ This regulation indicates that every three calendar years, not to exceed 39 months, the meter set must be inspected for atmospheric corrosion.

with reasonable certainty, in which case the refund or charge shall be computed from that date.”

9. Based on ARSD § 20:10:17:09, MidAmerican admits that on January 6, 2010, it mailed the Complainant a bill in the amount of \$1,447.95, which included \$1,335.04 back-billed charges for the period of February 2007 to November 2009.

10. MidAmerican further admits that on January 6, 2010, it mailed the Complainant a standard letter and spreadsheet showing the details of the billing adjustments. MidAmerican admits that the letter did not indicate that payment arrangements were available. MidAmerican agrees with the Complainant that customers should not have to call to complain before they receive the option of a payment plan. As of January 22, 2010, the standard letter has been revised to inform customers of the availability of a payment arrangement option.

11. MidAmerican admits that the two previous formal complaints in Docket Nos. CN09-002 and CN10-001 are also a result of an application of other similar reason to an incorrect multiplier. That is, the ERT device was not programmed to match the meter’s drive rate in order for the gas consumption to be recorded properly.

12. MidAmerican admits it has a written program for the inspection and testing of its meters to determine the necessity for adjustment, replacement or repair. MidAmerican further admits it complies with the manufacturer’s recommendations and accepted good practice. Accepted good practice is representative of the guidelines set forth in the American National Standard for Gas Displacement Meters (500 Cubic Feet Per Hour Capacity and Under), ANSI B109.1-2000; American National Standard for Diaphragm Type Gas Displacement Meters (Over 500 Cubic Feet Per Hour Capacity), ANSI B109.2-2000; American National Standard for Rotary Type Gas Displacement

Meters, ANSI B109.3-2000; Measurement of Gas Flow by Turbine Meters, ANSI/ASME MFC-4M-1986 (Reaffirmed 2008); and Orifice Metering of Natural Gas and Other Related Hydrocarbon Fluids, API MPMS Chapter 14.3, Parts 1-4.

13. In an effort to resolve these complaints, MidAmerican has reviewed its meter installation process and has concluded that in addition to its good practices, additional validation measures can be put in place to minimize the likelihood that a programming error of this nature would occur. Until these additional validation measures are implemented, MidAmerican will limit the charges for the drive rate programming errors to one year. If the charges are less than \$500, MidAmerican will not back-bill customers because it is not cost effective to process the bill.

14. Prior to the decision to limit the back-billing, MidAmerican contacted the local fuel assistance agency in an effort to resolve the instant Complaint. MidAmerican explained the circumstances that led to the billing adjustments, and the local assistance agency indicated they would be able to provide assistance to the Complainant for the majority of the billing adjustment charges, leaving \$7.79 owing. Since the one year back-bill for the Complainant is under the \$500 threshold, MidAmerican will remove all of the back-bill charges and refund to the agency all of the assistance agency funds received.

15. As of the date of this Answer and Motion to Dismiss, the Complainant is current on her account. Therefore, the issue with the Complainant is resolved and MidAmerican moves to dismiss the Complaint.

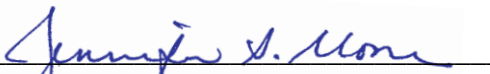
WHEREFORE, as MidAmerican has not violated any law, statute, order or rule in connection with the matters set forth in the instant Complaint and MidAmerican

Energy Company has resolved the issue with the Complainant, therefore, MidAmerican Energy Company requests the Commission dismiss the Complaint.

Dated this 12th day of February, 2010.

Respectfully submitted,

MIDAMERICAN ENERGY COMPANY

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