

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UCB 47

CLAIRE APARTMENTS, LLC,

Complainant,

vs.

PORTLAND GENERAL ELECTRIC  
COMPANY,

Defendant.

ORDER

DISPOSITION: COMPLAINT DENIED

**I. INTRODUCTION**

On February 1, 2010, Claire Apartments LLC (Claire Apartments or Complainant) filed a complaint with the Public Utility Commission of Oregon (Commission) alleging that Portland General Electric Company (PGE or the Company) applied meter verification charges to Claire Apartments' electric bill without cause. PGE filed an answer to the complaint on February 17, 2010. The Commission held prehearing conferences on March 23 and April 20, 2010 to discuss the parties' dispute, and an Administrative Law Judge presided over a hearing on May 18, 2010. At the hearing, each party presented testimony and evidence. Based on the record in this matter, we find that PGE had cause to apply the disputed charges and deny the complaint.

**II. DISCUSSION**

**A. Background**

PGE provides electric power to the Claire Apartments, a 20-unit apartment building located in Portland. Both parties agree to the following events: Complainant initially contacted PGE to install meters following a major renovation. According to architect plans, the meters were supposed to be numbered 011-306. However, when PGE first inspected and approved Complainant's meters, the meters were mislabeled 1-20. At some point after meter installation, the meter labels were corrected. PGE charged Complainant a \$660 meter verification charge.

Complainant disputes PGE's meter verification charge. Complainant contends PGE had no basis to impose the charge, because the mislabeled meters were corrected by the time PGE began its verification process. PGE responds that the charge was proper for two reasons. First, PGE contends that the meters were mislabeled both at the time of installation and during at least one verification visit. Second, PGE contends the mislabeling of the meters constituted an address change under its tariffs.

## **B. Legal Standard**

PGE's Meter Verification Charge is governed by the Company's Rule M, Advice No. 07-01. Rule M(1)(D) states:

Where multiple meters are installed at a location with multiple units, such as for residential multi-family units, it is the developer/owner's responsibility to ensure that each meter socket is correctly labeled for the associated service. The Company may check such meter installations to ensure they are correctly labeled. The Company will charge the Meter Verification Charge, as set forth in Schedule 300, to the developer/owner for each meter installation checked. If all meters at a building location are correctly labeled for each unit, the Company will waive the Meter Verification Charges for that building.

The Company will also impose the Meter Verification Charge at the time addresses are changed for multiple units when the change is a result of other than a government requirement. When locations with multiple units are sold and the new owner requests that service connections to each unit be verified, the Company may also impose the Meter Verification Charge on the new owner.

## **C. Issues**

### ***1. Mislabeled Meters***

At hearing, both parties presented evidence concerning Complainant's claim that because the meters were corrected after installation, PGE did not have the basis for imposing a verification fee.

#### ***a. Parties' Positions***

Complainant does not contest that fact that the labels initially fixed to the apartment meters were incorrect and differed from the plans given to his electrician. Complainant argues, however, that the error was fixed before PGE began its verification process. In support of his arguments, Complainant notes inconsistencies in PGE's record of the timeline of attempts to verify Complainant's meters. Complainant also relies on photographs of the meters and building, as well as building plans.

PGE argues that imposing the meter charge was proper under Rule M. At the hearing, PGE presented exhibits and testimony from PGE Customer Service Representative Vickie Abston. Ms. Abston conducted the meter verification for Claire Apartments. In

consultation with her own contemporaneous notes, which PGE introduced, Ms. Abston testified that Claire Apartment's meters were mislabeled both at the time PGE installed the meters and during at least one subsequent verification. Ms. Abston also stated that PGE interprets Rule M to permit imposing a fee for meters that are improperly labeled at the time of installation, even if those labels are later corrected.

*b. Resolution*

PGE's witness presented persuasive testimony and evidence that PGE's standard practice is to impose a meter verification fee if meters are mislabeled at installation. PGE's witness also testified persuasively that even if PGE were only permitted to charge a fee for subsequent verification problems, PGE found complainant's meters to be mislabeled on at least one post-installation meter verification visit. In particular, PGE introduced a chart that Ms. Abston drew with three floors, one of which was labeled with Complainant's incorrect number scheme, and another with the correct number scheme. This indicates that on at least one occasion during Ms. Abston's visits to verify complainant's meters, the meters were still mislabeled.

Based on Ms. Abston's testimony, we find that Complainant's meters were mislabeled both at installation and on at least one of PGE's subsequent meter verification visits. Under Rule M, PGE was permitted to impose a fee under either circumstance.

Under PGE's Rule M, it is the developer/owner's responsibility to ensure that each meter socket is correctly labeled for the associated service. We find that Complainant failed to ensure correct labeling here, and conclude that PGE was within its rights to impose a meter verification fee. Under Rule M, PGE will waive the meter verification charges for a building if *all* meters at the building location are correctly labeled for each unit. Since at least one meter at complainant's building was mislabeled during verification, PGE was within its right to impose a fee for all units checked, even if some of those units were correctly labeled. We find no error on PGE's part.

**2. Address Change**

*a. Parties' Positions*

At the hearing, Complainant argued that the initial mislabeling did not constitute an address change under Rule M, because the address on the apartment units did not change. Since the unit numbering was correct and only the meter labels were incorrect, Complainant argued that the circumstances did not merit a charge under Rule M's address change clause.

PGE responds that relabeling of meters does constitute an address change under Rule M. PGE notes that the unit number of an apartment is part of that apartment's

address, so a change to unit number would change an address. PGE also notes that labeling is critical both for billing and for safety issues.


*b. Resolution*


Because we find that PGE's meter verification fee was properly imposed for the initial mislabeling, we do not need to reach the secondary question of whether mislabeled meters constitute an address change under Rule M.


### III. ORDER

IT IS ORDERED that the Complaint filed by Claire Apartments LLC on February 1, 2010 is denied.

Made, entered, and effective JUN 24 2010.

  
 Ray Baum  
 Chairman

  
 John Savage  
 Commissioner

  
 Susan K. Ackerman  
 Commissioner



A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.