

Service Date: October 8, 1980

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER of Unauthorized	)	UTILITY DIVISION
Charges by the Montana-Dakota	)	DOCKET NO. 6695
Utilities Company.	)	ORDER NO. 4635b

FINDINGS OF FACT

1. On September 23, 1980 the Commission received a letter from G. H. Van of Billings, alleging that the Montana-Dakota Utilities Company (MDU) had instituted a \$17 charge for relighting pilot lights. Dennis Crawford, Deputy Administrator of the Commission's Utility Division confirmed this allegation with MDU officials.

2. MDU's decision to charge for the relighting of pilot lights time is irresponsible. Since MDU has never charged for this service, it has built up a sense of reliance by its customers that the service would be rendered without charge. It is simply unfair for MDU to now inform its customers that they must pay \$17 each before pilot lights can be relighted.

3. Utilities need customer acceptance and understanding. Relighting can be a very positive public relations program.

4. Costs can be very minimal when customers are encouraged to get lights serviced before cold weather.

5. The Company is fully aware that the entire area of customer services is under advisement by the Commission. To change the status quo at this time evidences an arrogant indifference to the Commission's authority over these matters.

6. MDU's new "policy" of charging for relighting pilot lights could create safety problems if individuals who had previously relied on MDU attempt to relight

their own pilot lights because of the charge. In addition, MDU's action could discourage energy conservation efforts in the future by those who have turned off pilot lights to save natural gas.

7. By amendment to the procedural order in this Docket, the Commission ordered MDU to present testimony on customer services. In the testimony subsequently submitted, MDU proposed that relighting of pilot lights was a merchandising service.

8. In its direction to staff the Commission instructed that a draft order be prepared which classified the relighting of pilot lights as a utility service which was to be rendered without charge.

9. The direction was based on testimony presented by John W. Stewart and the Commission's own knowledge that such services are very commonly rendered by other utilities not involved in merchandising. Mr. Stewart's testimony suggested to the Commission that MDU had, in the past, classified similar services inconsistently and illogically as utility related or merchandising related. The Commission concluded that those services which are essential to the customer's access to utility service should be classified as utility related. Included in such services is the relighting of gas pilot lights. This conclusion is buttressed by the safety and energy conservation elements of the service.

10. The Commission fails to detect any quality of the relighting of pilot lights service which supports a merchandising classification. Relighting activities are not in any way related to MDU's sale of appliances.

11. Because of the safety and conservation considerations, the Commission believes that MDU should take immediate steps to inform its customers that pilot lights will be relighted without charge.

#### CONCLUSIONS OF LAW

1. MDU is a public utility subject to this Commission's regulatory jurisdiction.

2. Seasonal shut-offs and relighting of gas pilot lights are properly considered a utility service which the Commission regulates.

3. MDU has not secured the approval of the Commission to charge for the relighting of pilot lights.

4. It is reasonable for the Commission to require MDU to render pilot light shut-offs and relighting as a service to be rendered without charge.

### ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1227 11th Avenue, Helena, Montana, on the 6th day of October, 1980, there being present a quorum of commissioners, there came regularly before the Commission for action the matters and things in Docket No. 6695, as specified in the findings of fact; and the Commission, being fully advised in the premises, makes the following orders:

1. MDU shall immediately and permanently suspend its practice of charging \$17 or any sum whatsoever for seasonal shutting off and relighting of natural gas pilot lights.

2. MDU shall immediately refund all money collected for relighting of pilot lights.

3. MDU shall inform the Commission within 30 days of the service date of this order of refunds made.

4. MDU shall take immediate steps to inform its customers that it stands ready to light pilot lights without charge. MDU shall inform the Commission of steps taken to inform its customers of the availability of free lighting service within 30 days of the service date of this order.

IT IS FURTHER ORDERED that a true and correct copy of this order be sent forthwith by first class United States mail to all appearances herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 6th day of October, 1980, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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GORDON E. BOLLINGER, Chairman

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CLYDE JARVIS, Commissioner

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THOMAS J. SCHNEIDER, Commissioner

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JAMES R. SHEA, Commissioner

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GEORGE TURMAN, Commissioner

ATTEST:

Madeline L. Cottrill  
Secretary

(SEAL)