

Service Date: July 22, 1981

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

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

FINDINGS OF FACT

1. 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 listed relighting of pilot lights as a merchandising service for which charges had been made in the past.

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

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

4. 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.

5. 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.

6. 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.

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

8. MDU appealed Order No. 4635b, in which the Commission ordered MDU to refund amounts paid by customers for seasonal relighting of pilot lights.

9. On July 6, 1981, the District Court of Lewis and Clark County reversed the Commission's refund order and further ordered certain amendments to PSC Order No. 4635b. (Cause No. 46028) This order is intended to comply with the District Court's judgement.

#### 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.

5. This order complies with the directions given by the District Court, Lewis and Clark County, as discussed in Finding No. 9.

#### 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 20th day of July, 1981, 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 of and relighting of natural gas pilot lights.

2. 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 full, 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 20th day of July, 1981, 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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JOHN B. DRISCOLL, Commissioner

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HOWARD L. ELLIS, Commissioner

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CLYDE JARVIS, Commissioner

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THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Madeline L. Cottrill  
Commission Secretary

(SEAL)