

## RESOLUTION NO. 23PUC-001

### RESOLUTION ESTABLISHING PROCEDURES FOR APPEALS TO THE DULUTH PUBLIC UTILITIES COMMISSION RELATED TO CLAIMS OF BILLING ERRORS.

WHEREAS, pursuant to Minnesota Statutes chapter 216B the City of Duluth operates several municipal public utilities, including water, natural gas, sanitary sewer, and stormwater; and

WHEREAS, pursuant to City Code chapter 2, Article XXXV, the City of Duluth established the Duluth Public Utilities Commission (DPUC) to manage and guide municipal utilities and rate structures related thereto; and

WHEREAS, the City of Duluth has adopted City Code chapter 43 and 48 regulating the provision of utility services including the power to establish rates and charge users for utility services, and the power to hear and decide appeals on billing for utility charges; and

WHEREAS, the DPUC seeks to balance the its orderly financial management and fiscal responsibility goals with rate payers' reasonable expectations regarding billing errors; and

WHEREAS, since 2018, the Public Works and Utilities Department (PWU) has applied policy number 100.16 to evaluate claims of billing errors; and

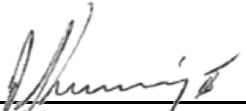
RESOLVED, that:

- (a) Any ratepayer/customer of a City of Duluth municipal utility may present evidence during an appeal hearing regarding the basis for a claim of a billing error related to the provision of utility services. Such evidence shall be considered by the DPUC in its deliberation on the appeal.
- (b) If at an appeal hearing, the DPUC determines the cause of a billing error was a broken meter or nonfunctioning electronic reader, the DPUC shall order corrective billing for a period of up to the most recent 12 months of billing errors. The ratepayer/customer will be billed an amount based on the previous year's consumption for the same calendar months as when there was a broken meter or nonfunctioning electronic reader if there is no other way to verify usage. The ratepayer/customer has the right to pay the back-bill portion of the bill in the same number of months as the customer was incorrectly charged.
- (c) If at an appeal hearing, the DPUC determines the ratepayer/customer was incorrectly billed for a reason other than a broken meter or nonfunctioning electronic reader, and the incorrect billing resulted in an overcharge, the DPUC may order a refund of the monies paid due to the overcharge minus any account balance. However, such refund shall not exceed 3 years of overcharges; overcharges over 3 years old shall not be refunded. The ratepayer/customer may choose to receive a refund or apply the overpayment to their account.

Approved by the DPUC: June 20, 2023  
(date)

Submitted to City Council: June 21, 2023  
(where appropriate) (date)

ATTEST:

  
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Director  
Public Works and Utilities  
City of Duluth

**STATEMENT OF PURPOSE:**

By this resolution, the DPUC establishes procedures for review and decisions on appeals claiming billing errors.