

BEFORE THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY
DEPARTMENT OF CUSTOMER SERVICES

IN RE: [REDACTED]
Michigan Ave. NE
Washington, DC 20002

Account No: [REDACTED]
Case No: 22-33958

Amount and Date in Dispute:
8/11/2022 – 9/13/2022 \$714.69

Before Janet W. Blassingame, Hearing Officer
February 6, 2023 at 10:00 A.M.

The customer contested a water and sewer bill for the above noted period of time. The DC Water and Sewer Authority (DC Water) determined that the charges were valid and no adjustment of the customer's account was warranted. The customer requested an administrative hearing.

This matter was scheduled for a remote hearing on February 6, 2023. Present for hearing were: [REDACTED] Kimberly Arrington, DC Water; LaFatima Black, DC Water, on behalf of DC Water; and, Stephanie Robinson, DC Water, observing only.

The property involved is a townhouse rented to [REDACTED] and three (3) other tenants. The property is owned by [REDACTED] is the tenant in charge of the water and sewer account payment. The property has three and one-half (3 ½) bathrooms, a dishwasher, a washing machine, a kitchenette in the basement and one outside faucet. The same four (4) tenants have occupied the property for the past eighteen (18) months and their water and sewer bill as ranged between One Hundred Dollars (\$100.00) and One Hundred Twenty-five Dollars (\$125.00) per billing cycle.

Mr. [REDACTED] stated that he received the bill in dispute on September 15, 2022 and he was told that high water usage occurred between September 2 and September 5, 2022, as well as, on September 11, 2022 and that almost 5000 gallons of water had been used per day. [REDACTED] asserted that their normal water usage for a billing cycle is 3000 – 4000 gallons. He stated that he had not been aware of registration for HUNA alerts but that the property owner has now registered to receive such alerts. Mr. [REDACTED] stated that he called DC Water on September 15, 2022 upon receiving the bill and he was told to check for leaks. Mr. [REDACTED] testified that he and his tenant mates walked throughout the house and saw no faucets running or water stains and the outside spigot was not turned on. He stated that the regular handyman who works at the house was called and the handyman, upon inspecting the house, did not find anything amiss.

Mr. [REDACTED] pointed out that September 2nd to 5th was Labor Day weekend and he stated that only two (2) tenants were at home during the weekend. He stated that he was at home, as well as, the tenant occupying the basement bedroom. Mr. [REDACTED] stated that there is one bathroom in the basement, that the master bedroom has an ensuite and that two (2) tenants share the third bathroom located upstairs. He stated that the tenants who share a bathroom were the tenants away from the house over the Labor Day weekend.

Mr. [REDACTED] was unhappy regarding the response or lack thereof of DC Water regarding his bill dispute and he recited the dates of contact with the utility which started on September 19, 2022 which the customer's telephone contact with the utility to dispute the bill up to November 16, 2022 when DC Water informed the customer that it had concluded that the bill was accurate. Mr. [REDACTED] was particularly concerned regarding time delays by the utility and that, even though he was told that the water and sewer account was placed on hold pending the outcome of the bill dispute, the utility took payment from his account, nevertheless. Mr. [REDACTED] testified that he was told by DC Water to deactivate auto-pay on the account on October 11, 2022 and he did deactivate auto-pay on October 16, 2022. He complained that, unbeknownst to him, a payment for the bill had been taken from his account on October 12, 2022. Mr. [REDACTED] stated that he attempted to reach DC Water on October 18, 2022 regarding the withdrawal from his account and he found no one available to talk to and then, on October 27th, a DC Water representative called and informed him that he could not get a refund.

Mr. [REDACTED] asserted that water usage at the property had been totally normal and that he has no reason to believe that they used the water as charged.

Ms. Black testified that the meter reads were actual and based upon the meter reads, there was a spike in water usage at the property from September 2nd to September 5th and, then water usage declined.

Ms. Black testified that DC Water tested the water meter on January 23, 2023 and the water meter was determined to have 100.09% accuracy. Ms. Black pointed out that DC Water follows the standards set by the American Water Works Association and that a water meter is considered functioning accurately if between 98.5% and 101.5%.

Ms. Black pointed out that the account had not been signed up to receive high-water usage alerts (HUNA alerts) but that Mr. [REDACTED] was added to the account as an authorized third party on September 6, 2022. Mr. [REDACTED] interjected that a previous tenant had been responsible for utility payments at the house and when the responsibility for the utility was passed over to him, he simply kept the account of the previous tenant without establishing himself on the water and sewer account. He explained that in using the account as established by the prior tenant, he was able to monitor the account using the other tenant's log-in. Mr. [REDACTED]

stated that he had functioned using the log-in of the prior tenant for approximately five (5) months. Mr. [REDACTED] stated that he did not see high water usage occurring on the account until after he received the water and sewer bill.

Mr. [REDACTED] reiterated his complaint that initially he was told that a hold would be placed on the account but he was not told that he had to cancel auto-pay in order to avoid payment.

Ms. Black explained that because Mr. [REDACTED] was accessing the account by using another individual's access/log-in, when he called DC Water to discuss the account, he was not a authorized person and the service representative could not discuss the account with him until he was added by the property owner as an authorized person on the water and sewer account.

Ms. Black testified that the utility's investigation of the bill dispute found no evidence of meter overread, meter malfunction or faulty computation.

Ms. Black concluded that because of tests and checks were inconclusive of what caused the high usage at the property, 21 DCMR §408.1 applied in this matter and the customer was not entitled to adjustment of the account for the excessive water usage.

Mr. [REDACTED] stated that he would be fine paying the bill if he knew what caused the usage.

Ms. Black stated that when the utility places an account on hold, the hold does not stop auto-pay. What the hold does accomplish is that the customer is not charged late fees and dunning while the dispute is pending.

Mr. [REDACTED] asserted that the only plumbing performed at the house was regarding a shower distributor. He stated that the handyman comes 1 -2 times a month on a on-call basis. He noted that the half-bath toilet had a flapper replaced when the tenants moved into the house but in this instance regarding the bill in dispute, the handyman checked the toilets, faucets and did a visual walk-thru and found nothing wrong. Mr. [REDACTED] added that a month before the bill in dispute, the rear porch was power washed. Mr. [REDACTED] asserted that after the power washing, the meter reads were no where near what was asserted as having registered during the alleged spike.

Based upon the foregoing testimony and evidence adduced during the hearing, the Hearing Officer makes the following:

FINDINGS OF FACT

1. The property involved is a rented townhouse occupied by four (4) tenants, one of whom is [REDACTED]. (Testimony of [REDACTED])
2. The period in dispute is August 11, 2022 to September 13, 2022. (Testimony of the

parties)

3. There was a significant increase in water usage registered on the water meter starting September 2, 2022 to September 5, 2022, after which usage declined until September 11, 2022 for that day only and, then, usage declined and has remained normal. (Testimony of the parties)
4. Two (2) of the four (4) tenants were away from the house during the Labor Day weekend which was when the initial spike in usage occurred. (Testimony of [REDACTED])
5. The tenants were aware of any increased water usage occurring at the property until receipt of the water and sewer bill on or about September 15, 2022. (Testimony of [REDACTED])
6. After receipt of the water and sewer bill, the tenants and a handyman conducted walk-thru of the property and found no evidence of water stains, leaking faucets or defective toilets. (Testimony of [REDACTED])
7. The property owner had failed and/or neglected to register the property for HUNA alerts when high-water usage occurred at the property and no alerts were sent by the utility regarding the high usage occurring in September 2022. (Testimony of the parties)
8. DC Water tested the water meter and the meter was determined to have 100.09% accuracy. (Testimony of LaFatima Black)
9. DC Water conducted an investigation of the bill dispute and its investigation found no evidence of meter overread, faulty computation of the bill or meter malfunction. (Testimony of LaFatima Black)
10. The meter reads upon which the customer's bill was based were actual reads transmitted from the property; such reads allowed the utility to pinpoint when and the amount of water used on an hourly basis. (Testimony of LaFatima Black)

CONCLUSIONS OF LAW

1. The burden of proof is on the customer to show, by a preponderance of evidence, that the decision of DC Water is incorrect. (21 DCMR 420.7 and 420.8)
2. DC Water is obligated to investigate a challenge to a bill by doing any or all of the following:
 - (a) Verify the computations made in the formulation of the water and sewer charges;
 - (b) Verify the meter reading for possible meter overread or doubtful registration;
 - (c) If feasible, check the premises for leaking fixtures, underground invisible leaks, and house-side connection leaks;
 - (d) Check the meter for malfunction;
 - (e) Check the water-cooled air conditioning system, if any, for malfunction; and
 - (g) Make a reasonable investigation of any facts asserted by the owner or occupant which are material to the determination of a correct bill.

See, 21 DCMR 403.

3. D.C. Municipal Regulations bar adjustment of a customer's bill when all checks and tests provide no reasonable explanation for excessive water consumption. (See 21 DCMR 408 which states: "In cases in which all checks and tests result in inconclusive findings that provide no reasonable explanation for excessive consumption, no adjustment shall be made to the bill for any portion of the excessive consumption, except as may be approved by the General Manager, based upon a demonstration by the owner or occupant that such an adjustment will further a significant public interest.")

DECISION

The customer in this case failed to establish that more likely than not the bill in dispute was wrong or for some other reason, he should not be responsible for its payment.

High water usage registered on the customer's water meter over the Labor Day weekend of year 2022 and then during one additional day about one week after the initial increase in usage. Both times of increase usage declined without need for repairs by either DC Water or a plumber and water usage at the property has remained within normal range thereafter.

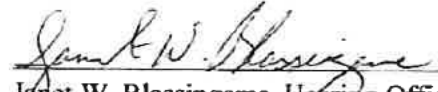
Even though through use of its electronic meter reads, the utility can pinpoint to the exact hour when high water usage was occurring at the property, the property's water and sewer account had not been registered by the property owner or any authorized third-party tenant to receive HUNA alerts (high-water usage notification alerts) of when high water usage was occurring. As such, the tenants were unaware when high usage was occurring. By the time that the tenant received the water and sewer bill which reflected high water usage occurring during the billing cycle, the water usage had returned to normal. Thus, when the tenants and handyman looked for a cause of high usage almost a week after the last occurrence, nothing was found amiss. As such, the inspections of the property for leaks and plumbing issues by the tenant and handyman have no relevance since high usage was not occurring when the inspections were performed.

On DC Water's part, the utility was able to present a meter test reflecting that the water meter was functioning accurately. The utility conducted its investigation of the bill dispute and found no evidence of meter overread, faulty computation of the bill or meter malfunction. Moreover, the utility could pinpoint when the high usage occurred and when it declined by review of the meter reads from the property.

21 DCMR §408 dictates that when all tests and checks fail to disclose the cause of excessive water usage at a property, the customer's account is not adjusted for the excessive water consumption.



In this case, if the customer had been registered for HUNA alerts, the water loss might have been mitigated because an inspection could have occurred while the high usage was

occurring. Unfortunately, by the time that customer became aware of the high usage, the usage had decline and no cause was apparent. What DC Water was able to prove, however, was that its equipment was functioning properly and that high water usage did occur at the house on the dates/times reflected by the meter reads. The customer had nothing to refute the evidence of the utility and, as such, the determination by DC Water that the charge is correct and proper and no basis exists to adjust the account is hereby AFFIRMED.


Janet W. Blassingame, Hearing Officer

Date: March 23, 2023

Copy to:

Mr. 
 Michigan Avenue, NE
Washington, DC 20002

BEFORE THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY
DEPARTMENT OF CUSTOMER SERVICES

IN RE: [REDACTED]
Steven Smallwood, Personal Representative
1222 Pickering Circle
Upper Marlboro, MD 20774

Service Address:
[REDACTED] Minnesota Avenue, NE

Account No: [REDACTED]
Case No: 22-463165

Amount and Period in Dispute:
4/21/2022 – 5/19/2022 \$543.84

Before Janet W. Blassingame, Hearing Officer
January 10, 2023 at 10:00 A.M.

The customer contested a water and sewer bill for the above noted period of time. The DC Water and Sewer Authority (DC Water) determined that the charges were valid and no adjustment of the customer's account was warranted. The customer requested an administrative hearing.

This matter was scheduled for a remote hearing on January 10, 2023. Present for the hearing were: Steven Smallwood, Personal Representative of the Estate of [REDACTED], deceased; Arlene Andrews on behalf of DC Water; Kimberly Arrington, DC Water; and, Stephanie Robinson, DC Water, observing only,

The property involved is a single-family residence having one and one-half (1 ½) bathrooms, two (2) outside faucets and a kitchen. The property was owned by [REDACTED] who died December 7, 2021. Mr. Smallwood, the personal representative of the estate of Ms. [REDACTED], stated that the property was sold in June 2022. He stated that, before the sale of the property, there were bolt locks on the front and back entrances and he would regularly visit the property. Mr. Smallwood testified that he had the decedent's possessions hauled away and he cleaned of the property. He stated there was always someone watching the property because of the neighbor living next door. He stated that he checked the mail delivered to the house. He stated that there was no lock box placed on the property and that the property was place on the realty market in March 2022. Mr. Smallwood stated that he would meet prospective buyers at the house for their inspection and that they would walk around house and essentially only look at the shell of the house because they were investors intending to renovate the property.

Mr. Smallwood stated that the water and sewer bills between December 2021 and March 2022 were approximately Forty Dollars (\$40.00) per billing period.

Mr. Smallwood stated that he could not understand why the water and sewer bill was so large and that it just did not make sense to him. He stated that he did not see any leaks and that he checked the property for water issues upon receipt of the high bill and detected no problems.

Mr. Smallwood acknowledged that he did not turn-off the water within the house between the death of the owner and the sale of the property.

Ms. Andrews testified that the meter reads from the property were actual and had been taken hourly and transmitted by electronic signal by a data collection box.

Ms. Andrews testified that DC Water pulled the water meter at the property for testing on October 31, 2022 and the meter was tested on November 2, 2022 and determined to have 100.46% accuracy. Ms. Andrews explained that DC Water abides by the water meter standards set by the American Water Works Association and that a water meter is considered to be functioning accurately if between 98.5% and 101.5%.

Ms. Andrews stated that the spike in water usage occurred at the property between April 4, 2022 and May 22, 2022. She stated that the increased usage would start for a few hours, stop and then, restart. She stated that water usage stopped on May 17, 2022 and then restarted and ran continuously from May 18, 2022 until May 22, 2022. She pointed out that by the time of the utility's investigation of disputed bill, there was little or no water usage at the property and because of the usage declining, it was the conclusion of the utility that whatever had caused the increased usage had been controlled at the property.

Ms. Andrews testified that based upon the investigation conducted by DC Water, no evidence of meter overread, faulty computation of the bill or meter malfunction was found.

Ms. Andrews concluded by stating that because that findings were inconclusive of the cause of the high-water consumption, 21 DCMR §408.1 was applicable and the customer was not entitled to any adjustment of the account.

On cross-examination by Mr. Smallwood, Ms. Andrews stated that the water meter at the property is located outside of the residence and that there are two (2) components regarding meter reads- the water meter and the transmitter unit (MTU). She stated that meter reads are transmitted hourly. Ms. Andrews testified that the utility sent a total of twenty (20) high water usage alerts (HUNA alerts) to the customer between May 7, 2022 and May 22, 2022.

Mr. Smallwood stated that the bill history was:

2/18/2022 -	\$38.78
3/2022 -	\$43.93
4/2022-	\$55.65
5/2022-	\$319.41 (the disputed bill of \$543.84 against which a credit of 224.49 was applied)

Mr. Smallwood stated that there is enormous construction occurring in the area near the property. Ms. Andrews responded that any water used on the public side would not go thru the customer's water meter and that only water used at the property would register on the customer's water meter. She stated that wasted water goes back in the sewer and that water, in this case, was controlled at the premise. Ms. Andrews stated that the HUNA alerts were sent to 202-398-5xxx which Mr. Smallwood acknowledged is a defunct phone line.

Mr. Smallwood concluded by asserting that the property was secure and there were no running toilets.

Based upon the foregoing testimony and evidence adduced during the hearing, the Hearing Officer makes the following:

FINDINGS OF FACT

1. The property involved is a single-family residence whose owner died in December 2021. (Testimony of Steven Smallwood)
2. The period in dispute is April 21, 2022 to May 19, 2022. (Testimony of the parties)
3. After the death of the property owner, a personal representative was appointed and the Personal Representative of the Estate cleaned out the property and hauled the decedent's possessions hauled away. Bolt locks were on the front and back entrances and the property was monitored by a next-door neighbor and the Personal Representative would regularly come to the property. (Testimony of Steven Smallwood)
4. The Personal Representative was unaware of any water issues within the residence and he inspected for leaks upon receipt of the bill in dispute and detected no leaks. (Testimony of Steven Smallwood)
5. There was a significant increase in water usage at the property between April 4, 2022 and May 22, 2022. Water usage stopped on May 17, 2022 but restarted and ran continuously between May 18, 2022 until May 22, 2022 when usage decreased. (Testimony of Arlene Andrews)
6. DC Water sent high water usage alerts starting May 7, 2022 for a total number of HUNA alerts of 20 having been sent in an effort to notify of high-water usage occurring at the property. (Testimony of Arlene Andrews)
7. During the hearing, the personal representative of the Estate advised that the telephone number on file with the utility for notifications of high usage was a defunct telephone number. (Testimony of Steven Smallwood)
8. The utility tested that water meter and the meter was determined to have 100.46% accuracy. (Testimony of Arlene Andrews)
9. The utility's investigation of the bill dispute disclosed no evidence of meter overread, faulty computation of the bill or meter malfunction. (Testimony of Arlene Andrews)
10. Water usage declined significantly on May 22, 2022 and remained little or no usage until the sale of the property. (Testimony of the parties)
11. The utility concluded that the usage had been controlled within the property because water usage declined without necessity of repairs being made. (Testimony of Arlene Andrews)

CONCLUSIONS OF LAW

1. The burden of proof is on the customer to show, by a preponderance of evidence, that the decision of DC Water is incorrect. (21 DCMR 420.7 and 420.8)
2. DC Water is obligated to investigate a challenge to a bill by doing any or all of the following:
 - (a) Verify the computations made in the formulation of the water and sewer charges;
 - (b) Verify the meter reading for possible meter overread or doubtful registration;
 - (c) If feasible, check the premises for leaking fixtures, underground invisible leaks, and house-side connection leaks;
 - (d) Check the meter for malfunction;
 - (e) Check the water-cooled air conditioning system, if any, for malfunction; and
 - (f) Make a reasonable investigation of any facts asserted by the owner or occupant which are material to the determination of a correct bill.

See, 21 DCMR 403.

3. D.C. Municipal Regulations bar adjustment of a customer's bill when all checks and tests provide no reasonable explanation for excessive water consumption. (See 21 DCMR 408 which states: "In cases in which all checks and tests result in inconclusive findings that provide no reasonable explanation for excessive consumption, no adjustment shall be made to the bill for any portion of the excessive consumption, except as may be approved by the General Manager, based upon a demonstration by the owner or occupant that such an adjustment will further a significant public interest.")

DECISION

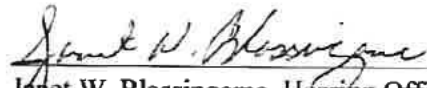
The Personal Representative of the Estate of [REDACTED], deceased, failed to establish by a preponderance of the evidence that more likely than not the water charge by the utility was wrong or for some other reason the Estate should not be responsible for payment.

The evidence and testimony established that the water meter was functioning accurately and there was no evidence of faulty calculation of the bill. The utility, also, established its efforts to notify the customer of high-water usage occurring at the property and testimony was that 20 HUNA alerts had been sent by the utility during a span a little over two (2) weeks between May 7, 2022 and May 22, 2022. The utility, also, was able to pinpoint when the high usage started and ended and the Personal Representative had to acknowledge several facts. First, it was acknowledged that the water was not turned off at the property following the owner's death and the property was vacant. Second, that individuals were inside of the property both during the cleaning and removal of the decedent's possessions and when the property was listed for sale and

prospective buyers toured the property. Third, , the Personal Representative does not know the cause of the usage and performed only a visual inspection after receiving the bill in dispute and, by that time, the high usage had declined. Fourth, despite efforts by the utility to notify of high usage occurring at the property, the telephone number on file with the utility was not a working number and, as such, the Personal Representative was unaware of the NUNA alerts.

The utility's representative acknowledged that she does not know the cause of the high-water usage that occurred at the property but she cited 21 DCMR §408 which dictates that when all tests and checks are inconclusive as to the cause of high-water consumption at a property, there will not be an adjustment of the customer's account for any portion of the excessive usage. DC Water clearly established that its equipment was functioning properly, that it had made no error in billing and that the utility did nothing to cause the high-water usage that occurred at the property. On the other hand, the Personal Representative was unaware of high-water occurring at the property due to the defunct telephone line at the property and when he did become aware that high water usage had occurred at the property, the usage had already stopped and the cause could not be detected.

The Hearing Officer finds no fault on the part of the utility or its equipment and, as such, no basis exists to adjust the customer's account. Ultimately, the property owner is responsible for what occurs at his or her property when no fault can be found by the utility and, as such, the water and sewer bill is a debt of the estate. Accordingly, the determination of DC Water that the charges are correct and proper and no basis exists to adjust the account, is hereby AFFIRMED.


Janet W. Blassingame, Hearing Officer

Date: Mar. 23, 2023

Copy to:

Steven Smallwood, P.R.
Estate of [REDACTED], dec.
1222 Pickering Circle
Upper Marlboro, MD 20774

BEFORE THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY
DEPARTMENT OF CUSTOMER SERVICES

IN RE: [REDACTED]
[REDACTED] Upton Street, NW
Washington, DC 20008-1151

Service Address: [REDACTED] Irving Street, NW

Account No: [REDACTED]
Case No: 22-462939

Amounts and Periods in Dispute:

3/26/2022 – 4/26/2022	\$463.71
4/27/2022 – 5/25/2022	\$203.22
5/26/2022 – 6/27/2022	\$239.50
6/28/2022 – 7/11/2022	\$ 19.12

Before Janet W. Blassingame, Hearing Officer
January 17, 2023 at 10:00 A.M.

The customer contested a water and sewer bill for the above noted periods of time. The DC Water and Sewer Authority (DC Water) determined that the charges were valid and no adjustment of the customer's account was warranted. The customer requested an administrative hearing.

This matter was scheduled for a remote hearing on January 17, 2023. Present for the hearing were: [REDACTED] and [REDACTED] co-owners of the property; Arlene Andrews on behalf of DC Water; Kimberly Arrington, DC Water; and, Stephanie Robinson, DC Water, observing only.

The property involved is a row house owned by Mr. [REDACTED] and Mr. [REDACTED] for the past seventeen (17) years. The property has four (4) bathrooms, a kitchen, a washing machine, a dishwasher, radiators, and one faucet in the garage. The property had been rented to tenants for five (5) years who vacated on March 31, 2022. The owners started to clean out the property on April 1, 2022 and with their contractor conducted an inspection of the house. Thru April 2022, cleaning and repairs of the property were performed and approximately four (4) people would be at the property during the cleaning/repair phrase. Mr. [REDACTED] stated that when the tenants occupied the premises, the water and sewer bill was approximately \$100.00 per billing period. He stated that there were five (5) tenants occupying the house,

Mr. [REDACTED] stated that he has no idea of any cause for high usage at the house. He testified that, in reviewing the usage history, he can see spikes on particular days. He, also, stated that a plumber inspected the property and the only thing that the plumber did was snake and replace a shower head on June 16, 2022.

Mr. [REDACTED] stated that the prospective buyers of the house inspected the property and

cited no issues. The property was sold on July 11, 2022.

On cross-examination, Mr. [REDACTED] stated that he was unaware that the utility had sent high-water usage alerts (HUNA alerts) to a 703-area code number on file with the utility regarding the property account. He stated that he learned of the alerts during communication with Arlene Andrews of DC Water on June 29, 2022.

Ms. Andrews testified that the meter reads from the property were actual reads which are transmitted by electronic signal to the nearest tower.

Ms. Andrews stated that the utility pulled the water meter for testing on December 21, 2022 and the meter was tested on January 26, 2023 and determined to have 99.84% accuracy. Ms. Andrews explained that DC Water follows the standards established by the American Water Works Association and that water meter are considered to be functioning accurately if between 98.5% and 101.5%. Ms. Andrews added that a water meter only turns registering water usage when water goes thru the meter. She further stated that there are no misreads on automated meters because of the electronic transmission and that a water meter cannot auto-repair.

Ms. Andrews testified that DC Water sent the customers a total of six (6) HUNA alerts to the telephone number on file with the utility. She stated that the high usage alerts were sent on 4/10/2022, 4/13/2022, 4/26/2022, 5/14/2022, 6/1/2022 and 6/10/2022, and all alerts were shown to have been successfully sent and delivered.

Mr. [REDACTED] acknowledged that he had utilized a management company for the past 4 – 5 years up to the sale of the property and the telephone number on file with the utility might be related to the management company. He asserted, however, that the owners were not informed of the alerts sent by the utility.

Ms. Andrews acknowledged that the owners sent a plumber's report to the DC Water and contractor's proposal to the utility. Ms. Andrews forwarded these documents to the Hearing Officer on January 17, 2023. [The plumber's report reflected that snaking had been performed on the sewer. The contractor's proposal outlined work repairs to the property]

Ms. Andrews testified that water usage at the house declined on June 9, 2022. She stated that the spike in usage started on April 9, 2022 and that water ran continuously with usage going up and down. She asserted that based upon the evidence relating to the spike, it was concluded by the utility that the usage was controlled at the premises. Ms. Andrews testified that based upon DC Water's investigation of the bill dispute, no evidence of meter overread, faulty computation or meter malfunction was found.

Ms. Andrews concluded stating that because all tests and checks resulted in inconclusive findings of any cause of the high-water usage, 21 DCMR § 408.1 applied in this matter and, as such, the customers were not entitled to any adjustment of the account.

Based upon the foregoing evidence and testimony adduced during the hearing, the

Hearing Officer makes the following:

FINDINGS OF FACT

1. The property was a row house owned by [REDACTED] and [REDACTED] which they had rented to tenants for five (5) years prior to the bill dispute; the property was sold on July 11, 2022. (Testimony of [REDACTED]; record in this matter)
2. The tenants vacated the property on March 31, 2022 and the co-owners assumed possession and began cleaning and repair of the property, using a contractor which had up to four (4) employees working at the property at various times. The repair/cleaning at the property continued thru out the month of April 2022. (Testimony of [REDACTED])
3. The period in dispute is March 26, 2022 to June 27, 2022. (Testimony of the parties)
4. High-water usage occurred at the property starting April 8, 2022 and continued until it deceased on June 9, 2022. (Testimony of Arlene Andrews)
5. DC Water sent HUNA alerts of high-water usage occurring at the property on 4/10/2022, 4/13/2022, 4/26/2022, 5/14/2022, 6/1/2022 and 6/10/2022. (Testimony of Arlene Andrews)
6. The property owners utilized the service of a management company and were unaware of the alerts sent by the utility advising of high-water usage occurring at their property. (Testimony of [REDACTED])
7. The utility tested the water meter and the meter was determined to have 99.84% accuracy. (Testimony of Arlene Andrews)
8. The utility investigated the bill dispute and based upon its investigation found no evidence of meter overread, faulty computation of the bills or meter malfunction. (Testimony of Arlene Andrews)
9. The property owners were unaware of any plumbing or water issues at the property. (Testimony of [REDACTED])

CONCLUSIONS OF LAW

1. The burden of proof is on the customer to show, by a preponderance of evidence, that the decision of DC Water is incorrect. (21 DCMR 420.7 and 420.8)
2. DC Water is obligated to investigate a challenge to a bill by doing any or all of the following:
 - (a) Verify the computations made in the formulation of the water and sewer charges;
 - (b) Verify the meter reading for possible meter overread or doubtful registration;
 - (c) If feasible, check the premises for leaking fixtures, underground invisible leaks, and house-side connection leaks;
 - (d) Check the meter for malfunction;
 - (e) Check the water-cooled air conditioning system, if any, for malfunction; and
 - (f) Make a reasonable investigation of any facts asserted by the owner or

occupant which are material to the determination of a correct bill.
See, 21 DCMR 403.

3. D.C. Municipal Regulations bar adjustment of a customer's bill when all checks and tests provide no reasonable explanation for excessive water consumption. (See 21 DCMR 408 which states: "In cases in which all checks and tests result in inconclusive findings that provide no reasonable explanation for excessive consumption, no adjustment shall be made to the bill for any portion of the excessive consumption, except as may be approved by the General Manager, based upon a demonstration by the owner or occupant that such an adjustment will further a significant public interest.")

DECISION

The weight of the evidence and testimony is against the customers and in favor of the utility that the bills are correct and the customers are not entitled to an adjustment of their account and, in this case, a refund of money paid for water and sewer service.

The customers in this matter were unaware of high-water usage occurring at their rental property because they did not see any water or plumbing defects and a contractor did not make them aware of any plumbing issues in the house. At the same time, however, DC Water was sending multiple high-water usage alerts regarding high-water usage occurring at the property to a telephone number on file with the utility for the purpose of usage notification. During the hearing, one of the owners acknowledged that they used a management company regarding the property and that the telephone number on file with the utility may have been related to the company. The owner asserted that the company did not notify them of receiving any high-water usage alerts relating to their property. There was also testimony that the owners and up to four (4) workers were in the house doing cleaning and repairs thru-out the month of April 2022 and, further, that the property was sold in July 2022. The Hearing Officer surmises that prospective buyers and realtors were also in the house pending its sale. An owner, also, testified that the buyer inspected the house. As such, the Hearing Officer concludes that there was a change in occupancy, numerous people in the house working, viewing or inspecting the property over the course of the period in dispute, all occurring during the period that the utility was sending alerts of high-water usage occurring at the property.


DC Water established, by testing the water meter, that its water meter was functioning within accepted perimeters of meter accuracy. The utility, in its investigation of the dispute, found no evidence of faulty computation of the bills, meter overread or meter malfunction. The utility established that its alert system sent numerous alerts of high-water usage occurring at the property during the period in dispute. And the utility was able to pin-point based upon meter reads transmitted from the property by electronic transmission exactly when the high usage started and when it declined.

Based on the foregoing, the Hearing Officer can find no fault of DC Water to cause the

increased water usage at the customers' property but, at the same time, the Hearing Officer sees opportunity for increased water usage at the property due to a change in occupancy, the work being performed at the premises and the traffic going in and out of the property pending not only its preparation for sale but during the selling process, all of which was occurring during the period in dispute.

21 DCMR §408 dictates that when all tests and checks are inconclusive as to the cause of high-water consumption at a property, there will not be an adjustment of the customer's account for any portion of the excessive usage.

Accordingly, the determination of DC Water that the charges are correct and proper and no basis exists to adjust the account, is hereby AFFIRMED.


Janet W. Blassingame, Hearing Officer

Date: MARCH 23, 2013

Copy to:

Mr. [REDACTED]
[REDACTED] Upton Street, NW
Washington, DC 20008-1151

BEFORE THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY
DEPARTMENT OF CUSTOMER SERVICES

IN RE: The Dorren G. Miller Trust

c/o [REDACTED]

[REDACTED] Warren St. NW
Washington, DC 20016

Account No: [REDACTED]
Case No: 22-583422

Amount and Date in Dispute:
7/13/2022 – 8/9/2022 \$798.21

Before Janet W. Blassingame, Hearing Officer
February 6, 2023 at 12:00 Noon

The customer contested a water and sewer bill for the above noted period of time. The DC Water and Sewer Authority (DC Water) determined that the charges were valid and no adjustment of the customer's account was warranted. The customer requested an administrative hearing.

This matter was scheduled for a remote hearing on February 6, 2023. Present for hearing were: [REDACTED] Arlene Andrews on behalf of DC Water; Kimberly Arrington, DC Water; and, Stephanie Robinson, DC Water, observing only.

The property involved is a single-family residence having one kitchen, 5 ½ bathrooms, an irrigation system, dishwasher, two (2) washing machines 3 – 4 outside faucets, and two (2) utility sinks. Three (3) individuals reside in the home and the water and sewer bill has, historically, ranged between \$240.00 and \$300.00 per billing cycle.

Mr. [REDACTED] testified that he and his wife were out-of-town from August 1, 2022 to August 13, 2022 and, that his daughter left the house and was out-of-town from August 6, 2022 to August 13, 2022. He stated that he was told by DC Water that a spike in water usage occurred at the property from August 4, 2022 to August 9, 2022 and, again, for one day on August 12, 2022. He stated that a housekeeper was present in the home for a half day on August 10, 2022 and that the housekeeper did not notice any problem. Mr. [REDACTED] stated that he never received a high-water usage alert from DC Water. He added that when he returned home on August 13, 2022, there was no evidence of any water problem or of a leak within the home.

Mr. [REDACTED] testified that he had the irrigation system tested in response to the high bill and no problem was found regarding the irrigation system. He stated that he did not hire a plumber because he did not believe such was necessary. He pointed out that in August 2022, DC Water had no meter reads from his property for nine (9) days, whereas, in prior months, the utility had daily meter reads.

Mr. [REDACTED] proposed that DC Water adjust his bill based upon customary water usage. He added that he was frustrated trying to probe a negative and he asserted that nothing has changed at the property since they moved in. He stated that the property was part of a development in the late 1980's and that his house was built in 1990. He acknowledged that there was some increased water usage in September 2022 but he asserted that water usage is now back to normal. He added that he wanted to dispute his September 2022 bill for the period August 10, 2022 to September 12, 2022 in the amount of \$390.00 but he failed to challenge the bill in time.

Mr. [REDACTED] asserted that there were no past spikes in usage at the property until the bill at issue and there have been no further spikes in water usage at the property.

Ms. Andrews asserted that the meter reads are actual and were based upon field reads. She stated that DC Water billed the customer based upon a field read of the water meter taken on August 9, 2022. Ms. Andrews stated that she does not know why a technician was sent to the property to read the water meter but that the field reading was in-line with transmitted reads from the property. She acknowledged that from August 8, 2022 at 8:00 pm to August 12, 2022 at 2:00 p.m., there were no transmitted meter reads from the property. Ms. Andrews, however, asserted that the lack of transmitted meter reads is not relevant because the water meter registers the water going thru the meter and the meter continues to register usage even if the transmitter fails to send a reading. She asserted that the failure to transmit the meter read has no effect upon water usage registering on the water meter.

Ms. Arrington interjected to explain that the transmitter failed to send meter reads five (5) days before it was time to bill the account and as such, the lack of transmitted reads from the property triggered a technician being sent with a handheld meter reader to obtain a field read on the 9th of August, 2022.

Ms. Andrews testified that DC Water tested the water meter and the meter was determined by 00.72% accuracy. She explained that DC Water abides by the standard for water meter accuracy established by the American Water Works Association and that a water meter is considered to be functioning accuracy if its accuracy range is between 98.5% and 101.5%. She stated that a water meter only advances when water is being used. She added that there are no misreads due to automatic transmission of the meter reads and she explained that the customer failed to receive an alert of high water usage occurring at the property because the account threshold for a HUNA alert in this case was 6 times normal usage and the threshold for an alert was not met during the spike that occurred at the property.

Ms. Andrews stated that a technician was sent to the property on October 28, 2022 to check the water meter and at that time, the technician took a picture of the read on the water meter.

Ms. Andrews concluded that water was controlled internally at the property and she asserted that based upon the utility's investigation of the dispute, no evidence was found of meter

overread, faulty computation of the bill or meter malfunction and as such, the tests and checks were inconclusive of findings the cause of the increased usage. She asserted that 21 DCMR 408 regarding inconclusive findings was applicable in this matter and the customer was not entitled to an adjustment of the account.

Based upon the foregoing testimony and evidence adduced during the hearing, the Hearing Officer makes the following:

FINDINGS OF FACT

1. The property involved is a single-family residence occupied by [REDACTED] and his wife and daughter. (Testimony of [REDACTED])
2. The period in dispute is July 13, 2022 to August 9, 2022. (Testimony of the parties)
3. There was a significant spike in water usage at the property from August 4, 2022 to August 9, 2022 and again on August 12, 2022. (Testimony of the parties)
4. The September 2022 billing statement reflected higher than normal water usage during its billing period and the customer expressed that he wanted to dispute that bill as well but he failed to make a timely challenge of the bill which covered the period August 10, 2022 to September 12, 2022. (Testimony of [REDACTED])
5. Mr. and Mrs. [REDACTED] were out-of-town from August 1, 2022 to August 13, 2022. (Testimony of [REDACTED])
6. The [REDACTED]'s daughter was away from the house from August 6, 2022 until August 13, 2022. (Testimony of [REDACTED])
7. A housekeeper had access to residence and was at the residence for a half-day on August 10, 2022. (Testimony of [REDACTED])
8. Upon return to the property on August 13, 2022, Mr. [REDACTED] was unaware of any water problem or leaks at the property. (Testimony of [REDACTED])
9. The housekeeper did not report any leaks or water problem when she was at the property in the absence of the [REDACTED] Family. (Testimony of [REDACTED])
10. There is an irrigation system at the property and in response to receipt of the high bill, Mr. [REDACTED] had the irrigation system checked and no problem was found. (Testimony of [REDACTED])
11. Mr. [REDACTED] has not been aware of any water or plumber issue at the property both past and present. (Testimony of [REDACTED])
12. There was a period from August 2, 2022 to August 4, 2022 during which the meter read transmitter failed to transmit meter readings from the property and this transmission failure triggered the utility sending a technician to read the customer's water meter for billing purposes. (Testimony of Kimberly Arrington)
13. The customer was billed by DC Water based upon a field read by a technician for the period in dispute. (Testimony of Arlene Andrews)
14. The field read upon which the customer was billed was in-line with transmitted meter reads from the property. (Testimony of Arlene Andrews)

15. The water meter was tested by the utility and the meter was determined to have 99.72% accuracy. (Testimony of Arlene Andrews)
16. During the utility's investigation of the customer's bill dispute, no evidence was found of meter overread, faulty computation of the bill or meter malfunction. (Testimony of Arlene Andrews)

CONCLUSIONS OF LAW

1. The burden of proof is on the customer to show, by a preponderance of evidence, that the decision of DC Water is incorrect. (21 DCMR 420.7 and 420.8)
2. DC Water is obligated to investigate a challenge to a bill by doing any or all of the following:
 - (a) Verify the computations made in the formulation of the water and sewer charges;
 - (b) Verify the meter reading for possible meter overread or doubtful registration;
 - (c) If feasible, check the premises for leaking fixtures, underground invisible leaks, and house-side connection leaks;
 - (d) Check the meter for malfunction;
 - (e) Check the water-cooled air conditioning system, if any, for malfunction; and
 - (f) Make a reasonable investigation of any facts asserted by the owner or occupant which are material to the determination of a correct bill.

See, 21 DCMR 403.

4. D.C. Municipal Regulations bar adjustment of a customer's bill when all checks and tests provide no reasonable explanation for excessive water consumption. (See 21 DCMR 408 which states: "In cases in which all checks and tests result in inconclusive findings that provide no reasonable explanation for excessive consumption, no adjustment shall be made to the bill for any portion of the excessive consumption, except as may be approved by the General Manager, based upon a demonstration by the owner or occupant that such an adjustment will further a significant public interest.")

DECISION

In this case, the customer established a prima facie case that more likely than not the bill in dispute was wrong, however, on rebuttal, DC Water provided testimony and evidence that overcame the customer's prima facie case and, ultimately, the weight of the evidence favored the utility.

The customer testified that he and his wife were out-of-town during the period that a spike in water usage occurred. He, further, testified that he was unaware of any leaks or plumbing issues at the residence and that his water usage has been within normal range both prior to and after the spike periods. He testified that the irrigation system at the property was not

the cause of any spike in water usage because he had the system checked. He, also, testified that he did not hire a plumber and no plumbing work has been performed.

The problems in the customer's presentation were with respect to the presence of his daughter and housekeeper during the spike period. The customer's daughter was present in the home when the increased water usage began on August 4, 2022, even though her parents were gone from the residence as of August 1, 2022. The customer's daughter left the residence on August 6, 2022 and the water usage continued through August 9, 2022. The customer stated that the housekeeper was at the residence on August 10, 2022; August 10, 2022 was the day that water usage returned to normal.


On DC Water's part, the utility presented evidence that the water meter was functioning within accepted range of accuracy at 99.72%. The utility, also, presented its investigation findings of no evidence of meter overread, faulty computation of the bill or meter malfunction.

It was also significant that the day that the residents returned home coincided with the end of the spike. Testimony was that there was a spike on August 12th. The residents returned home on August 13, 2022 and thereafter, water usage was normal.

DC Water asserted that water usage causing the spike was controlled within the residence. The tests and checks by both sides revealed no cause for the increased usage that occurred at the property, the tests and checks found no fault or error on the part of DC Water and its equipment that could have caused the increased usage. The Hearing Officer finds it significant that the spike in usage occurred when the residents were away from home, stopped when the housekeeper was present in home and, then, the one day spike stopped when the residents returned home. Oftentimes when people leave for a holiday, the last thing one does is use the bathroom. If the toilet flapper sticks, the water will run until someone returns and uses the toilet again. In this case, when the housekeeper flushed the toilet, the toilet flapper may have unstruck, causing the spike to stop. What caused the usage on the 12th cannot be speculated but the return of the parties to the residence and their use of a bathroom, may have caused the usage to stop. Again, the scenario put forth above is purely speculative, however, it is plausible based upon the facts in this matter as basis for the utility's assertion that the usage was controlled at the premises and, as such, the liability of the property owner/resident.



21 DCMR 408 dictates that when all tests and checks are inconclusive, DC Water does not adjust a customer's account for the excessive water usage. In this case, one can only speculate as to the cause of the increased usage and 21 DCMR 408 is applicable dictating that no adjustment is appropriate.

Accordingly, the determination by DC Water that the bill is correct and no adjustment is warranted is hereby AFFIRMED.


Janet W. Blassingame, Hearing Officer

Date: March 23, 2013

Copy to:

Mr. 
 Warren Street, NW
Washington, DC 20016