

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

WILLIAM K. BAUER

Complainant,

vs.

HAWAII ELECTRIC LIGHT COMPANY, INC.)

Respondent.

DOCKET NO. 2009-0052

ORDER DIRECTING RESPONDENT TO FILE
AN ANSWER TO COMPLAINANT'S FORMAL COMPLAINT

RECEIVED

2009 MAR 23 A 10:15

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

PUBLIC UTILITIES
COMMISSION

2009 MAR 20 P 12:28

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

WILLIAM K. BAUER)	
)	
Complainant,)	Docket No. 2009-0052
)	
vs.)	
)	
HAWAII ELECTRIC LIGHT COMPANY, INC.))	
)	
Respondent.)	
_____)	

ORDER DIRECTING RESPONDENT TO FILE
AN ANSWER TO COMPLAINANT'S FORMAL COMPLAINT

By this Order, the commission directs Respondent HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO") to file an answer to the formal complaint filed by Complainant WILLIAM K. BAUER ("Complainant"), attached as Exhibit A, within twenty (20) days after the date of service of this order.¹

I.

Formal Complaint

On March 4, 2009, Complainant filed a formal complaint ("Complaint") with the commission against HELCO alleging:

This formal complaint is made by William K. Bauer against [HELCO] for:

¹The DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), is an ex officio party to this docket pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62.

1. Denial of reimbursement for damages to a clothes washer as a result of a power interruption that occurred at my residence on November 14, 2008.

The facts and circumstances surrounding this complaint are that around 0830 on Friday November 14, 2008 there was a power interruption at my residence while my wife was using the cloth[e]s washer. After the power interruption the washing machine stopped working. A Sears Home Services Technician was called on Monday November 17, 2008 and came to my residence on Tuesday November 18, 2008. The [t]echnician told my wife that an electric circuit board was burned out and was probably caused by the power spike/surge. My wife called HELCO Claims Department on November 19, 2008 and made a claim over the phone. The acknowledgement of receipt of that claim was mailed to us by Beverly Abril Claims Administrator in a letter dated November 19, 2008. Another letter dated December 19, 2008 was sent to us admitting there was a fault on November 14 causing a number of circuits to trip and that we may have experienced a momentary flicker on our transmission line caused by the fault but it should not have caused damage to electronic equipment. The fact is that I did have a piece of electronic equipment damaged at the exact time of the so called flicker.

The relief I desire is to have the Public Utilities Commission order HELCO to reimburse me for the damages to the washing machine including parts and labor. The total cost was \$663.54.

Complaint, at 1.

Upon review, the Complaint appears to substantially comply with HAR Title 6, Chapter 61, Subchapter 5 of the commission's Rules of Practice and Procedure. Therefore, pursuant to HAR § 6-61-67(e), Respondents must file an answer to the Complaint within twenty (20) days after the date of service of this Order.

II.

Order

THE COMMISSION ORDERS:


HELCO shall file an answer to the attached Complaint with the commission within twenty (20) days after the date of service of this order.

DONE at Honolulu, Hawaii MAR 20 2009.

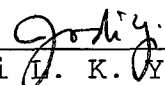
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By: 
Carlito P. Caliboso, Chairman

By: 
John E. Cole, Commissioner

By: 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Jodi L. K. Yi
Commission Counsel

2009-0052.laa

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII**

Mr. William K. Bauer
47-3772 Kapuna Road
Honokaa, HI 96727

Plaintiff

Vs

Hawaiian Electric Light Company
P.O. Box 1027
Hilo, HI 96721-1027

Defendant

FILED
2009 MAR -4 P 12:15
PUBLIC UTILITIES
COMMISSION

This formal complaint is made by William K. Bauer against Hawaiian Electric Company for:

1. Denial of reimbursement for damages to a clothes washer as a result of a power interruption that occurred at my residence on November 14, 2008.

The facts and circumstances surrounding this complaint are that around 0830 on Friday November 14, 2008 there was a power interruption at my residence while my wife was using the cloths washer. After the power interruption the washing machine stopped working. A Sears Home Services Technician was called on Monday November 17, 2008 and came to my residence on Tuesday November 18, 2008. The Technician told my wife that an electric circuit board was burned out and was probably caused by the power spike/surge. My wife called HELCO Claims Department on November 19, 2008 and made a claim over the phone. The acknowledgement of receipt of that claim was mailed to us by Beverly Abril Claims Administrator in a letter dated November 19, 2008. Another letter dated December 19, 2008 was sent to us admitting there was a fault on November 14 causing a number of circuits to trip and that we may have experienced a momentary flicker on our transmission line caused by the fault but it should not have caused damage to electronic equipment. The fact is that I did have a piece of electronic equipment damaged at the exact time of the so called flicker.

The relief I desire is to have the Public Utilities Commission order HELCO to reimburse me for the damages to the washing machine including parts and labor. The total cost was \$663.54.

The evidence presented with this claim is:

1. The letter from HELCO dated November 19, 2008 acknowledging receipt of my claim.

EXHIBIT A

2. The letter from HELCO dated December 19, 2008 admitting there was a power disturbance on the grid at the time my washing machine was damaged, but denying the claim for damage.
3. The receipt from Sears Home Services with the Technician Comments stating that the power motor board was burned out possibly caused by power surge/spike.
4. A picture of the electronic circuit board showing the damage.

Your prompt attention to this claim is appreciated.

Respectfully,

William K. Bauer



November 19, 2008

Ms. Michelle Bauer
46-3772 Kapuna Road
Honokaa, HI 96727

Dear Ms. Bauer:

Subject: Claim No. 2008-112

This will acknowledge receipt of your claim of damage to your clothes washer as a result of a power interruption that occurred at your residence on November 14, 2008.

Hawaii Electric Light Company (HELCO) will be reviewing your claim and conducting an investigation into the cause and circumstances of the power interruption. I will inform you of HELCO's findings as soon as the investigation has been completed. In the meantime, please keep a copy of the repair receipt for the damaged washer. Please be sure the receipt/invoice includes a description of the damage. If your claim is accepted, HELCO will reimburse you for the repair cost.

Because power interruptions and other power disturbances experienced by our customers can result from any number of different causes within or beyond HELCO's control, our evaluation of your claim will focus on whether or not the power interruption that may have caused the damage could have been reasonably prevented by HELCO, in accordance with Rule No. 16 of our tariff, approved by the State of Hawaii Public Utilities Commission. A copy is enclosed for your reference.

If you have any questions, please call me at 969-0279.

Sincerely,

A handwritten signature in cursive script, reading "Beverly Abril", is written over the typed name.

Beverly Abril
Claims Administrator

Enclosure



December 19, 2008

Mr. William Bauer
46-3772 Kapuna Road
Honokaa, HI 96727

Dear Mr. Bauer:

Subject: Claim No. 2008-112

Thank you for your patience and understanding while Hawaii Electric Light Company (HELCO) conducted its investigation of a power disturbance that occurred in your area on November 14, 2008. You filed a claim of damage to a clothes washer electronic panel.

On November 14, a fault occurred on the transmission line located off Mamalahoa Highway near Maulua gulch. The fault caused a number of distribution circuits to trip between Pepekeo and Laupahoehoe. The circuit that your residence is served from did not trip; however, it may have experienced a momentary flicker due to the fault on the transmission line. The nature of the power disturbance, however, should not have caused damage to electronic equipment.

HELCO is regulated by the State of Hawaii Public Utilities Commission. PUC Rule No. 16, previously sent you, describes situations where the company is not liable for customers' losses, including incidents not within the company's control through the exercise of reasonable diligence and care. Your loss falls within that category. We sincerely regret the loss you incurred; however, your claim for damage is denied.

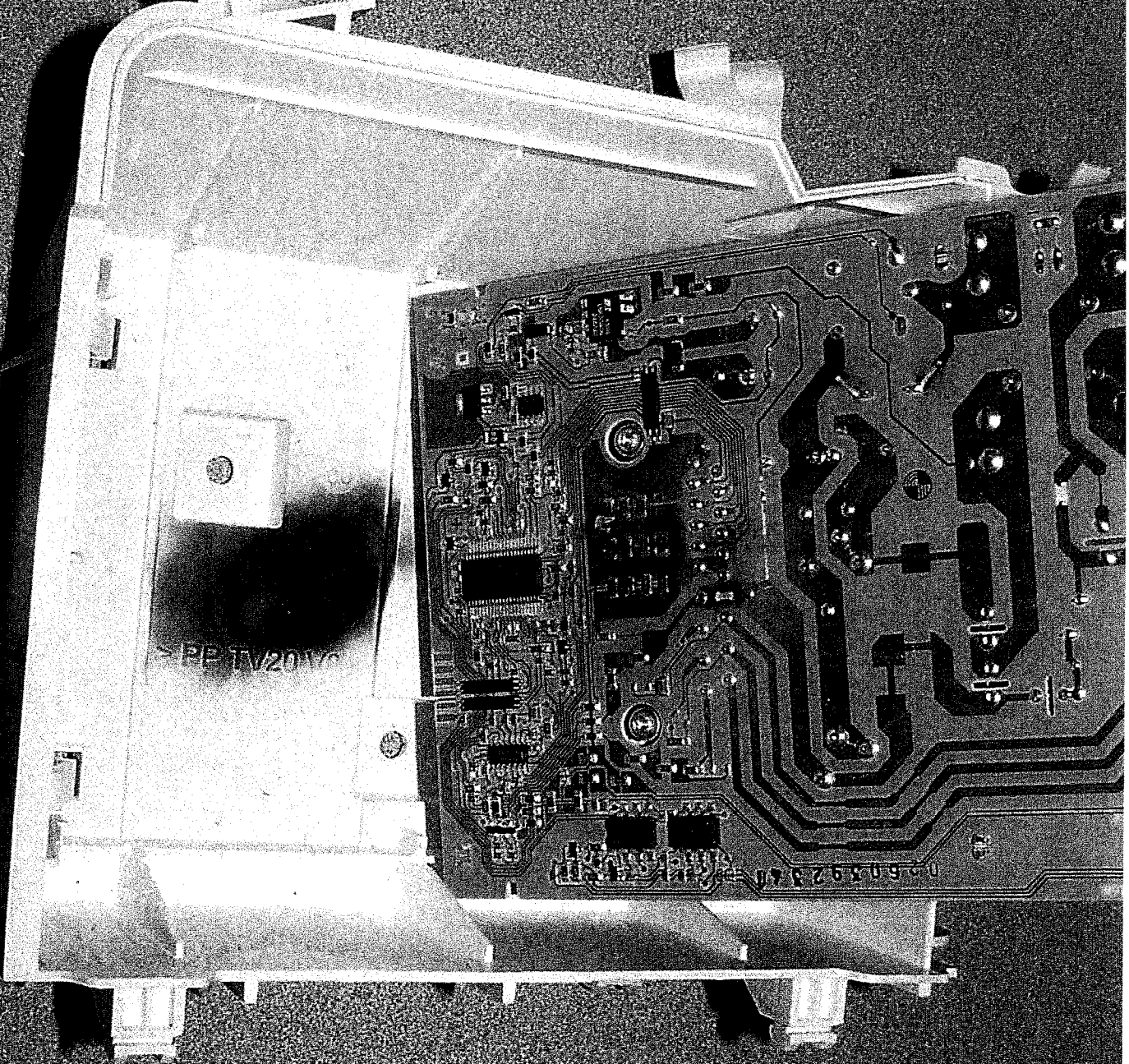
As you know, power interruptions and power disturbances can occur from many different causes. For sensitive electronic equipment or other critical equipment, the use of quality surge suppressors and uninterruptible power supplies (UPS) are strongly recommended. Enclosed for your reference is a copy of a Consumer Lines article on protecting your electronic equipment. You may also find helpful information on power quality at www.heco.com under Residential Services. The information provided on the website refers customers to HECO for questions or assistance; however, please contact HELCO for questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Beverly Abril'. The signature is fluid and cursive, with the first name 'Beverly' and last name 'Abril' clearly distinguishable.

Beverly Abril
Claims Administrator

Enclosure



2009 2 18

SEARS HOME SERVICES

State Reg #: C-1428

HAWAII CENTRAL SERVICE
2886 PAA ST
HONOLULU, HI 96819
(800) 4MY-HOME

Sears #: 0008158 Dec 16, 2008

Technician ID: 0001109
Service Order Number: 67618565BILL BAUR
46-3772 KAPUNA RD.
HONOKAA, HI 96727
(808) 775-1205MOUSE: WASHER, DIRECT DRIVE
Brand Name: KENMORE
Model Number: 11046472501
Serial Number: HLT0312473
Service Requested:
ERROR CODETechnician Comments:
Part Failure:: CHECKED AND FOUND ELEC
MOTOR BOARD BAD,,BURNOUT,POSSIBLE POWER
SPIKE-SURGE,REPLACED BOARD,,,TESTED OKLabor Performed - Collect:
Control, Main \$ 163.00
Labor Sub-Total \$ 163.00
Net Labor \$ 163.00
Tax on Labor \$ 6.79
Total Labor \$ 169.79Parts Required - Collect:
CNTRL-ELEC
26 110 W10163005 01 \$ 261.22
LATCH
26 110 8540772 01 \$ 102.33
CNTRL-ELEC
26 110 8540948 01 \$ 286.94
Parts Sub-Total \$ 261.22
Net Parts \$ 261.22
Tax on Parts \$ 10.88
Total Parts \$ 272.10Parts Required - Warranty:
CNTRL-ELEC
26 110 8540948 01 \$ 286.94
Total Parts \$ 0.00PA - Sale \$ 203.19
Net Protection Agreement Sale \$ 203.19
Tax on Protection Agreement \$ 8.46
Total Protection Agreement \$ 211.65Original Estimate: \$ 653.54
Grand Total: \$ 653.54Customer Total: \$ 653.54
Pre-Paid Amount: -\$ 371.81
Customer Amount Due: \$ 281.73

Total Amount Collected Today: \$ 281.73

Master Card Payment \$ 281.73
Account # XXXXXXXXXXXXX2677

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DIVISION OF CONSUMER ADVOCACY
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
P. O. Box 541
Honolulu, HI 96809

(2 copies)

DEAN MATSUURA
MANAGER, REGULATORY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P.O. Box 2750
Honolulu, HI 96840-0001

JAY IGNACIO
PRESIDENT
HAWAII ELECTRIC LIGHT COMPANY, INC.
P.O. Box 1027
Hilo, HI 96721-1027

WILLIAM K. BAUER
47-3772 Kapuna Road
Honokaa, HI 96727