

UE-091531

P.O. Box 2213
Olympia, WA 98507-2213
September 14, 2009

Washington State Utilities And Transportation Commission
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

CONSUMER COMPLAINT

re: Puget Sound Energy & Salmon Shores RV Park

Dear Sirs:

My name is Kenneth L. Binkley and I am a tenant of Salmon Shores RV Park, located at 5446 Black Lake Blvd SW, Olympia, WA 98512. Salmon Shores RV Park is a customer of Puget Sound Energy under the UTC's Tariff Schedule 24E-C and provides me my electricity metered by the kilowatt hour. I am making this complaint against Puget Sound Energy due to their failure to stop Salmon Shores RV Park from illegally re-selling electricity at rates higher than authorized by Schedule 24E-C.

Background

Beginning in late 2006 or early 2007, Salmon Shores RV Park began to re-sell electricity, brought from PSE at the rate authorized by Schedule 24, to their tenants at the rate of \$0.16 per kwh. I moved into the Park in February 2008 and quickly realized that I was being over-billed for my electricity. I went to your office to complain and to request help in the resolution of the over-billing. I was referred to Regulatory Analyst, John Cupp. Mr. Cupp contacted PSE and PSE wrote to Salmon Shores RV Park informing them that the proper and legal rate under Schedule 24C-E was \$0.079347 and that to resell electricity at a higher rate violated their tariff and the Commission's rules reflected in WAC 480-100-108. In June 2008, PSE claimed that Salmon Shores would no longer bill their tenants by the kwh, but rather by a "flat" rate and that was no longer a problem. However, that never happened: Salmon Shores RV Park lowered their rate to \$0.0910 per kwh and continued to bill at that rate.

In May 2008, I filed a complaint with the Attorney's General Office's (AGO) Manufactured Housing Dispute Resolution Program (MHLTA) concerning the illegal resale of electricity and several other issues with Salmon Shores RV Park. Based upon the information provided me by the UTC, I also began to refuse to pay Salmon Shores more than the legal rate of \$0.079347 per kwh billed. They investigated and determined that "Salmon Shores violated UTC regulations and the terms of their tariff with PSE by overcharging for electricity". (See attachment #1.)

Electricity Access Charge

Beginning in April 2009, Salmon Shores RV Park began charging an "Electricity Access Charge" (EAC) to its tenants for the privilege of buying electricity from the Park. I contacted the AGO's MHLTA office with my concerns that the EAC was just another way for Salmon Shores to overcharge for electricity. The MHLTA office ignored me even while negotiating with Salmon Shores' attorney. There was no explanation of the why and how the EAC was being billed by Salmon Shores.

Over the next three months, the EAC varied between 30% and 39% of the tenants monthly billed electricity. The EAC charges billed to me was as follows: March 2009- \$21.86, April 2009-\$24.88, May 2009- \$26.17. Then, oddly enough, the EAC charge dropped in June 2009- \$12.92, and July- \$5.87. And most strangely, was the EAC "charge" for August 2009- a credit of \$0.97. (See attached invoices- attachments #2 through #7.)

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COMMISSION

The sudden drop in EAC charges in June was really not all that odd. As it turns out, I was not the only tenant to refuse to pay the overcharges and to complain to the AGO' MHLTA office. As a result of another tenant's complaint about the EAC, the AGO finally asked Salmon Shores give them an explanation of the EAC.

Apparently, for the June 2009 Electrical billing (see attached memo), PSE billed Salmon Shores \$2,243.38. Salmon Shores billed their tenants \$1,440.78 and subtracted that amount from the PSE billing for a difference of 802.60. Salmon Shores then claimed that they used only \$182.54 in electricity which they subtracted from the \$802.60 leaving \$620.06 which they divided by the number of tenants (48) to arrive at the EAC charge of \$12.92 for each tenant.

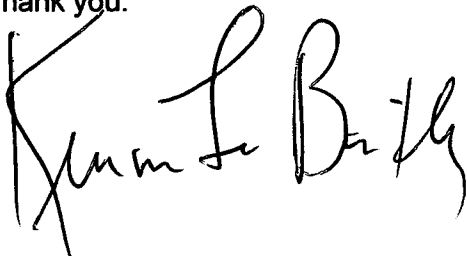
For the July 2009 Electrical billing (see attached photo), PSE billed Salmon Shores \$1,724.64. Salmon Shores billed their tenants \$1,221.91. Salmon Shores claimed that they used only \$258.99 of electricity which they subtracted from the PSE billing of \$1,724.64 for a difference of \$1,468.65 from which they subtracted the \$1,221.91 billed to the tenants for "Total Difference" of \$246.74 which was divided by 42 tenants to arrive at a EAC charge of \$5.87. (Please note the \$3.00 error to the benefit of Salmon Shores.)

Finally, for the August 2009 Electrical billing (see attached photo), PSE billed Salmon Shores \$1919.88. Salmon Shores billed their tenants \$1,958.62. Salmon Shores claimed they used no electricity for the month. They subtracted what PSE billed them from what they billed their tenants for a difference of \$38.74, which they divided by 40 tenants to arrive at an EAC "credit" of \$0.97. Please note that for this month only, they charged the tenants at a rate of \$0.066. Please note also, that they computed the total kwh usage using the same beginning meter reading as the previous month resulting in a double billing for the month of July 2009. Please note again, that had they billed at the previous rate of \$0.8717 the EAC "credit" would have been much higher.

Conclusion

I do not understand why I have to make this complaint. The UTC, PSE and the AGO's MHLTA have been aware for over a year and a half that Salmon Shores has been stealing money from their tenants by overcharging for electrical usage. I figure that they have stolen over \$50,000.00 since 2007. It is time to stop excusing Salmon Shores' criminal behavior and begin enforcing the law. Please stop this scam!

Thank you.



Kenneth Lee Binkley, WISHA Whistle blower

Attachments. 253-777-5209

cc: PSE
AGO MHLTA

bcc: Others



Rob McKenna
ATTORNEY GENERAL OF WASHINGTON

800 Fifth Avenue #2000 • Seattle WA 98104-3188

March 3, 2009

SENT VIA FACSIMILE AND US MAIL

John Woodring
State & Sawyer Building, Suite 201
2120 State Avenue N.E.
Olympia, WA 98506

RE: In the Matter of Salmon Shores –Complaint No. 316894

Dear John:

I have received your edits to the proposed settlement agreement in the Salmon Shores matter. However, the situation has significantly altered such that we are unable to complete the settlement process at this time. Your client has been contacted by Puget Sound Energy with a threat of disconnection of the entire park from the power grid. If this occurs, your client will be in clear violation of RCW 59.20.130(6)-*Protection and maintenance of utilities*. This letter is to inform you that the AGO MHDRP will *not* be serving to facilitate communication between your client and PSE.

Additionally, your client has asserted that Mr. Binkley will need to pay certain amounts due for his electricity. I understand this to be the difference between his calculations and your client's calculations with regard to the past several months of electricity bills. I believe your client is in error in this request. According to our calculations and PSE's communications with your client, Salmon Shores violated UTC regulations and the terms of their tariff with PSE by overcharging for electricity. This clearly violates RCW 59.20.070(6) as well. Therefore, Mr. Binkley should be entitled to the calculated refund of \$123.04 and should not be expected to make any payments for allegedly underpaid bills. Mr. Binkley, of course, agrees to remain current on his electricity payments provided that Salmon Shores complies with PSE's requests and is not disconnected.

Please advise whether your client will be taking the appropriate steps to resolve this matter.

Sincerely,

JAKE BERNSTEIN
Assistant Attorney General
(206) 389-3813

JEB:mh

cc: Kenneth Binkley

Attachment #1

Invoice

Salmon Shores Resort, LLC
Salmon Shores RV Park, LLC
5446 Black Lake Blvd. SW
Olympia, WA 98512
(360) 357-8618

Date	Invoice #
4/1/2009	225

Bill To

Kenneth L Binkley
5446 Black Lake Blvd. SW
Space 33B
Olympia, WA 98512

P.O. Number	Terms	Rep	Due Date	Account #
033009	Due on receipt	cot	4/1/2009	5446-33B

Quantity	Item Code	Description	Price Each	Begin Meter ...	End Meter...	Total UNITS...	Amount
909	Utility	Utility Charges for the Month of March 2009	0.08717	8494	9403	909	79.24
1	EAC	Electric Availability Charge	21.86				21.86

Please pay by the 5th of the month a 1% late fee will be assessed on all over due accounts.

Payments/Credits	\$0.00
Balance Due	\$101.10

Attachment #2

Invoice

Salmon Shores Resort, LLC.
Salmon Shores RV Park, LLC
5446 Black Lake Blvd. SW
Olympia, WA 98512
(360) 357-8618

Date	Invoice #
5/1/2009	288

Bill To

Kenneth L Binkley
5446 Black Lake Blvd. SW
Space 33B
Olympia, WA 98512

P.O. Number	Terms	Rep	Due Date	Account #
033009	Due on receipt	cot	5/1/2009	5446-33B

Quantity	Item Code	Description	Price Each	Begin Meter ...	End Meter...	Total UNITS...	Amount
839	Utility	Utility Charges for the Month of	0.08718	9403	10242	839	73.14
1	EAC	Electric Availability Charge	24.88				24.88

Please pay by the 5th of the month a 1% late fee will be assessed on all over due accounts.

Payments/Credits \$0.00

Balance Due \$98.02

Attachment # 3

Invoice

Salmon Shores Resort, LLC.
 Salmon Shores RV Park, LLC
 5446 Black Lake Blvd. SW
 Olympia, WA 98512
 (360) 357-8618

Date	Invoice #
6/1/2009	333

Bill To

Kenneth L Binkley
 5446 Black Lake Blvd. SW
 Space 33B
 Olympia, WA 98512

P.O. Number	Terms	Rep	Due Date	Account #
053009	Due on receipt	db	6/1/2009	5446-33B

Quantity	Item Code	Description	Price Each	Begin Meter ...	End Meter...	Total UNITS...	Amount
859	Utility	Utility Charges for the Month of May	0.08717	10242	11101	859	74.88
1	EAC	Electric Availability Charge	26.17				26.17

Please pay by the 5th of the month a 1% late fee will be assessed on all over due accounts.

Payments/Credits \$0.00

Balance Due \$101.05

Attachment 1/2/09

Invoice

Salmon Shores Resort, LLC.
 Salmon Shores RV Park, LLC
 5446 Black Lake Blvd. SW
 Olympia, WA 98512
 (360) 357-8618

Date	Invoice #
7/1/2009	375

Bill To
Kenneth L Binkley 5446 Black Lake Blvd. SW Space 33B Olympia, WA 98512

P.O. Number	Terms	Rep	Due Date	Account #
063009	Due on receipt	jlp	7/1/2009	5446-33B

Quantity	Item Code	Description	Price Each	Begin Meter ...	End Meter...	Total UNITS...	Amount
894	Utility	Utility Charges for the Month of June 2009	0.08717	11101	11995	894	77.93
1	EAC	Electric Availability Charge	12.92				12.92

Please pay by the 5th of the month a 1% late fee will be assessed on all over due accounts.

Payments/Credits	\$0.00
Balance Due	\$90.85

Attachment #5

Invoice

Salmon Shores Resort, LLC.
 Salmon Shores RV Park, LLC
 5446 Black Lake Blvd. SW
 Olympia, WA 98512
 (360) 357-8618

Date	Invoice #
8/1/2009	424

Bill To

Kenneth L Binkley
 5446 Black Lake Blvd. SW
 Space 33B
 Olympia, WA 98512

P.O. Number	Terms	Rep	Due Date	Account #
7/29/2009	Due on receipt	db	8/1/2009	5446-33B

Quantity	Item Code	Description	Price Each	Begin Meter ...	End Meter...	Total UNITS...	Amount
972	Utility	Utility Charges for the Month of July 2009	0.08717	11995	12967	972	84.73
1	EAC	Electric Availability Charge	5.87				5.87

Please pay by the 5th of the month a 1% late fee will be assessed on all over due accounts.

Payments/Credits	\$0.00
Balance Due	\$90.60

Attachment #6

Invoice

Salmon Shores Resort, LLC
 Salmon Shores RV Park, LLC
 5446 Black Lake Blvd. SW
 Olympia, WA 98512
 (360) 357-8618

Date	Invoice #
9/1/2009	477

Bill To
 Kenneth L Binkley
 5446 Black Lake Blvd. SW
 Space 33B
 Olympia, WA 98512

P.O. Number	Terms	Rep	Due Date	Account #
09/01/09	Due on receipt	db	9/1/2009	5446-33B

Quantity	Item Code	Description	Price Each	Begin Meter ...	End Meter...	Total UNITS...	Amount
1,974	Utility	Utility Charges for the Month of August	0.066	11995	13969	1974	130.28
1	EAC	Electric Availability Charge	-0.97				-0.97

Please pay by the 5th of the month a 1% late fee will be assessed on all over due accounts.

Payments/Credits	\$0.00
Balance Due	\$129.31

Attachment #7



SALMON SHORES RESORT

5446 Black Lake Blvd, Olympia, WA. 98512 (360) 357-8618

SALMON SHORES R.V. PARK LLC

TO: ATTORNEY GENERALS OFFICE
 FROM: JODY LYNN PIERPOINT, MANAGER
 SUBJECT: EAC BREAKDOWN
 DATE: 7/1/2009

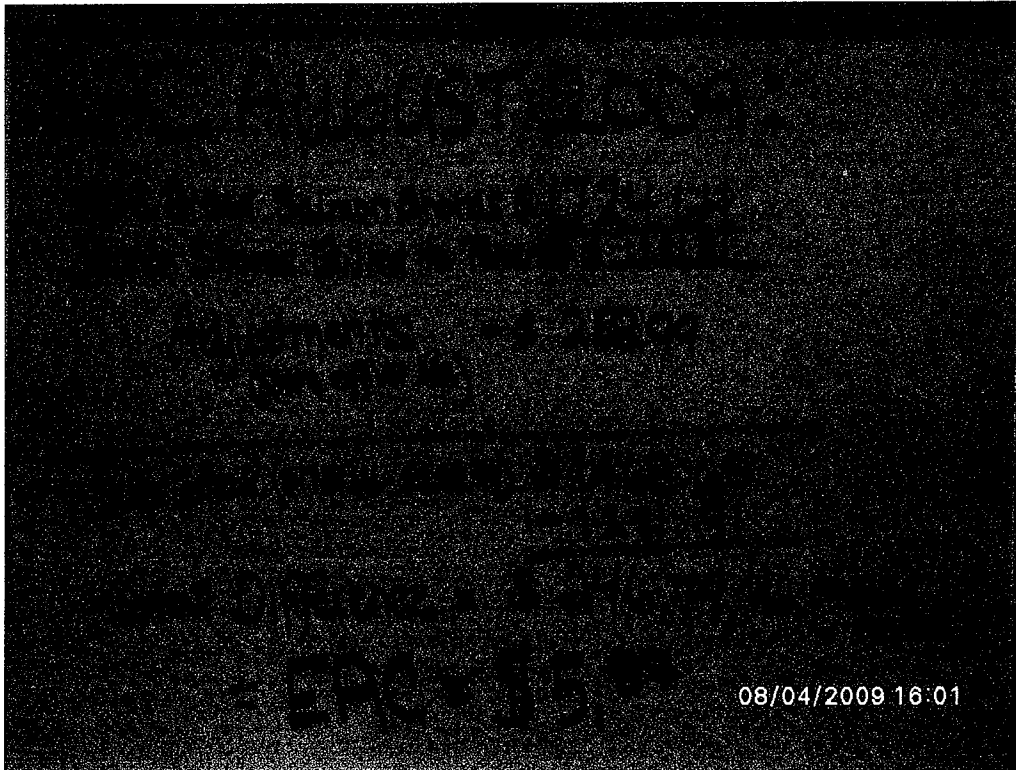
SALMON SHORES RV PARK, LLC.				
Electric Bill JUNE 2009 (Billed July 2009)				
Billed Total	Date Received	\$Amount Billed\$		
PSE BILLED	06/01/09	\$ 2,243.38		
SALMONSHO	07/01/09	\$ 1,440.78	\$ 802.60	\$ 802.60
147-393-000-4	06/01/09	\$ 79.14	Store/Office	\$ (145.49)
186-829-100-4	06/01/09	\$ 44.33	Maintenance	\$ (37.05)
347-393-000-0	06/01/09	\$ 186.47	Difference	\$ 620.06
347-393-000-0	06/01/09	\$ -	EAC CHARGE	\$ 12.92
451-990-000-7	06/01/09	\$ 1,074.36	\$620.06/48	
447-393-000-8	06/01/09	\$ 443.87	48= Number of billed Tenants	
481-248-100-2	05/27/09	\$ 415.21		
	TOTAL	\$ 2,243.38	EAC JULY	\$ 12.92

Breakdown Explanation for Clarification

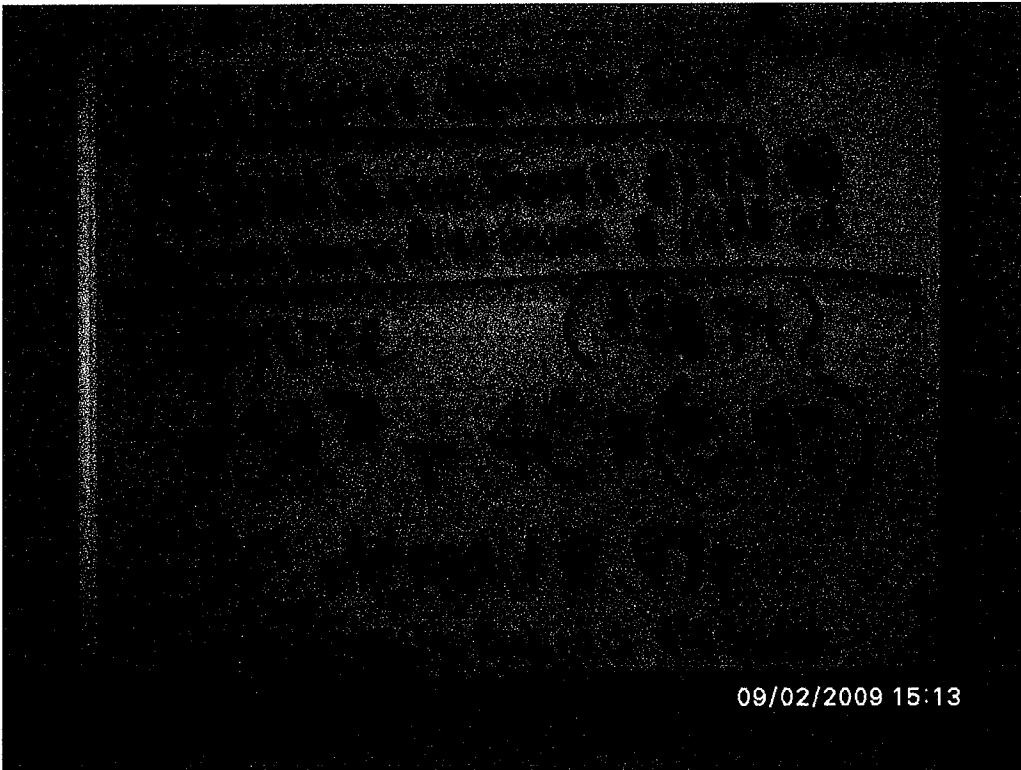
- PSE Billed = Total billed to Salmon Shores from PSE \$2243.38 for June 2009
- SALMONSHO = Total billed to tenants per kWt (0.0872) totals \$1440.78 (Billed to tenants in July 2009 for June 2009 Usage)
- Difference = \$802.60
- Adjustments = \$-182.54 (Office/Store/Maintenance Use)
- EAC Difference AFTER adjustments = \$620.06
- EAC JULY CHARGES = \$620.06 ÷ 48 (Number of Billed Tenant's) TOTALS \$12.92

Jody Lynn Pierpoint
 Landlord/Manager
 Salmon Shores Resort
 5446 Black Lake Blvd. SW
 Olympia, WA 98512
 (360) 357-8618 or (360) 402-4873
 Email: manager@salmonshores.us
 Website: www.salmonshores.us

Attachment # 8



Attachment #9



Attachment #10