



Nova Scotia Utility and Review Board

Mailing address

PO Box 1692, Unit "M"
Halifax, Nova Scotia
B3J 3S3
board@novascotia.ca
<http://nsuarb.novascotia.ca>

Office

3rd Floor, 1601 Lower Water Street
Halifax, Nova Scotia B3J 3P6
1 855 442-4448 (toll-free)
902 424-4448 t
902 424-3919 f

January 4, 2021

[REDACTED]

Aline Fineberg

[REDACTED]

Dear Ms. Fineberg:

M09748 – Halifax Regional Water Commission – Appeal by Aline Fineberg of a Decision of the Dispute Resolution Officer

The Board reviewed your appeal of the Dispute Resolution Officer's decision dated March 18, 2020. Although your appeal was filed later than the 30 day time limit in Halifax Water's *Schedule of Rates, Regulations & Regulations for Water, Wastewater, and Stormwater Services* (Regulations), the Board found that the circumstances of your case warranted an extension of the appeal period. After the Board's decision to extend the appeal period, Halifax Water filed a copy of the Dispute Resolution Officer file and a response to the appeal. Your response to Halifax Water's filing was received on July 29, 2020. The Board issued Information Requests (IRs) to the parties, and responses were received from both parties by October 8, 2020.

APPEAL

Your complaint is about measured water consumption at your residence between October 26, 2019, and December 13, 2019. According to information provided by Halifax Water, your average daily consumption during this period was approximately 18,000 litres. To put this daily average in context, based on Halifax Water's response to IR-7, the Board calculates that if your outdoor faucet were left fully open, it would take nearly 4 hours for 18,000 litres of water to flow through your water meter. The information provided by Halifax Water suggests this is about 100 times your daily average before and after the high consumption period.

Your measured water consumption spiked during this period for no apparent reason. The evidence provided to the Board in this proceeding does not identify a clear reason for your water consumption to have suddenly increased and then suddenly stopped.

When the Board considered whether to extend the period for filing this appeal, there was some information suggesting that your water meter was replaced with a new automated metering infrastructure (AMI) meter just before the period of high water consumption began. However, the Board finds that the new meter was installed a year before, on September 27, 2018. In IR-1, Halifax Water provided information showing this installation date.

Professional plumbers checked your plumbing. Neither you nor the plumbers could see any evidence of high consumption in or around your residence. A slightly leaky toilet was not repaired prior to measured consumption returning to normal. In your July 29, 2020, response to Halifax Water's filing, you closed with:

In conclusion:

- there are no leaks (as confirmed by three plumbers)
- I did not leave my taps on for seven weeks and go through half a million litres of water
- Leaks do not stop unexpectedly on their own and nothing was repaired or changed in my house.

My house is still the same as it was before all this happened.

...although I had an implausible meter reading, water could not have possibly come in, unless it had a place to go out. There is nowhere a half a million litres of water could have disappeared in seven weeks without me noticing something.

This defies logic and common sense, and therefore, there is nothing that validates this implausible meter reading.

In its evidence to the Board in this proceeding, Halifax Water presented a case that raised a different implausibility. Halifax Water said: "Halifax Water meters are positive displacement meters – water must flow through the meter in order to register consumption....As a positive displacement mechanical device, the meter is only capable of measuring and registering the water that goes through it." Halifax Water said that the AMI meter prevents any human error because the meter readings are automatically sent over a radio frequency network.

In its IR responses, Halifax Water noted that sometimes water quality and age can cause a meter to be inaccurate, but in such cases, the meter would under-register, meaning that more water would flow through the meter than is measured not that the meter would report water that did not pass through it. Halifax Water said that over-registration, where the meter would show more water than flowed through it, "will happen only when the pressure exceeds the limits that the meter is setup for." Halifax Water went on to note its design specification states residential meters can withstand a pressure of 150 psi, but its system pressure does not exceed 100 psi to residential premises. Halifax Water also said over-registration could occur if the wrong sized register was attached to the meter and noted an experience 15 years ago when it received a batch of faulty meters built with the wrong parts.

In this case, the meter itself was removed and tested under controlled conditions which demonstrated the meter was producing accurate readings. The Board notes that you discount the testing of the meter as proving anything because the meter was tested only after the measured high consumption had returned to normal.

DISPUTE RESOLUTION DECISION

In his decision, the Dispute Resolution Officer noted that the meter involved was tested and found to be accurate. He concluded that Halifax Water had followed the approved Regulations and disallowed your complaint.

FINDINGS

Pursuant to the *Public Utilities Act*, the Board is responsible for the general supervision of all public water utilities operating in Nova Scotia. Halifax Water is one such utility. Among other

things, the Board's jurisdiction includes approval of Regulations for the provision of water service to customers. In reviewing matters such as yours, the role of the Board is to determine whether the utility has properly applied the Board's approved Regulations in its dealings with customers. The Board does not act as a mediator between Halifax Water and its customers, nor does it consider or impose payment arrangements. The Board reviews the evidence and reaches a decision based on the evidence, considering whether Halifax Water has followed the Regulations to provide customer service.

From the evidence before it, the Board cannot conclude that your water usage was erroneously measured or billed. In many cases in the past, the Board has dismissed complaints about the overbilling of water rates based on the accuracy of the meter and the design of the meters that requires water to physically flow through them to record usage. Although this case is unusual because the measured consumption is so high, the Board declines to infer from the circumstances that the probable cause for the high measurement was that the meter was faulty and inexplicably started to record significant water usage and then fixed itself before it was tested.

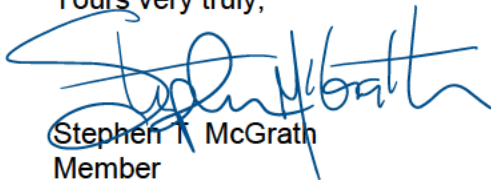
Given the testing conducted demonstrated that your meter was accurate and, in the absence of enough evidence to suggest that the meter readings were incorrect to any material degree, the Board concludes Halifax Water billed appropriately for water consumption. How the water is consumed beyond the meter is not within the scope of the Board's jurisdiction, nor is it Halifax Water's responsibility.

SUMMARY

After reviewing all the information provided, including the DRO file and decision, your appeal, and the information provided by Halifax Water, the Board concludes that Halifax Water has followed the Board approved Regulations.

Accordingly, the appeal is dismissed.

Yours very truly,



Stephen T. McGrath
Member

c. Cathie O'Toole, Halifax Water