

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1549

Date of Decision: 7 January 2020

Complaint

The customer's claim is that the company provided poor customer service during the customer's complaint over not being informed before his account was transferred from the wholesaler that he would be billed directly by the company. Furthermore, the company incorrectly refused his non-return sewer allowance and incorrectly double billed his account. The customer is seeking the company to provide an accurate bill which reflects his actual usage; refund his late payment fee of £70.00; refund his administration fee of £150.00 and pay compensation for the distress and inconvenience incurred.

Defence

The company submits that the customer was informed before his account was transferred from the wholesaler that he would be billed by the company. Furthermore, the customer account was never double billed, however, there was an issue with the address and due to the customer being a border customer, the company is only responsible for the customer's wastewater. The customer's non-return sewer allowance was initially rejected as the customer's property requires a sub meter to be fitted as per wholesaler's policy. A total of credit of £80.00 has been applied to the customer's account in recognition of the failures in customer service and the company is of the view that no further sums are due. The company has not made any further offers of settlement.

Findings

I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected, with regard to the transfer of his account from the wholesaler, double billing and the non-return sewer allowance. Furthermore, I am satisfied there have been no failings with regard to customer service, which the customer has not already been adequately compensated for.

Outcome

The company needs to take no further action.

The customer must reply by 4 February 2020 to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Date of Decision: 7 January 2020

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- The company provided poor customer service during the customer's complaint over not being informed before his account was transferred from the wholesaler that he would be billed directly by the company.
- Furthermore, the company incorrectly refused his non-return sewer allowance and double billed his account.
- The customer is seeking the company to provide an accurate bill which reflects his actual usage; refund his late payment fee of £70.00; refund his administration fee of £150.00 and pay compensation for the distress and inconvenience incurred.

The company's response is that:

- The customer was informed before his account was transferred from the wholesaler that he would be billed by the company.
- Furthermore, the customer account was never double billed, however, there was an issue with the address and due to the customer being a border customer, the company is only responsible for the customer's wastewater whilst the clean water is the responsibility of [RST] Water and its retailer.
- The customer's non-return sewer allowance was initially rejected as the customer's property requires a sub meter to be fitted as per wholesaler's policy.
- A total of credit of £80.00 has been applied to the customer's account in recognition of the failures in customer service and the company is of the view that no further sums are due.

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How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

1. Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
2. Whether or not the customer has suffered any financial loss or other disadvantage as a result of a failing by the company.

In order for the customer's claim against the company to succeed, the evidence available to the adjudicator must show on a balance of probabilities that the company has failed to provide its services to the standard one would reasonably expect and that as a result of this failure the customer has suffered some loss or detriment. If no such failure or loss is shown, the company will not be liable.

I have carefully considered all of the evidence provided. If I have not referred to a particular document or matter specifically, this does not mean that I have not considered it in reaching my decision.

How was this decision reached?

1. The dispute centres on whether the company informed the customer before his account was transferred from the wholesaler that he would be billed directly by the company. Furthermore, whether the company double billed the customer and incorrectly refused his non-return sewer allowance. The company is required to meet the standards set out in OFWAT's Charges Scheme Rules and the Water Industry Act 1991.
2. Since April 2017, a non-household customer only has a relationship with the company not the wholesaler. Therefore, if a non-household customer has an issue with their water supply or sewerage services, they have to approach the company, who is responsible to chase the wholesaler and try to resolve the matter. Accordingly, it must be borne in mind by all parties that within this decision I cannot find the company liable for something that only the wholesaler is liable for.
3. From the evidence provided by both the customer and the company, the customer first contacted the company on 15 August 2017 when he called to advise that the address on his

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clean water invoice was incorrect. The company investigated the matter as the customer's clean water was provided RST Water and advised the customer that they would need to contact RST Water directly to make any changes to the address. In December 2017, the customer contacted the company to advise that he was not made aware that the company would be billing for the wastewater as he had previously been charged by RST Water. The company confirmed to the customer that earlier in December 2017 a letter was sent to all RST customers to introduce them to the company and to enable them to make any arrangements for any outstanding debt. The evidence shows that on 19 December 2017, the customer contacted the company again and advised that he was being double billed as he was paying both RST Water and the company. The company in response advised that if this was the case then the customer should send in an invoice to show the charges and explained that the company was only responsible for the wastewater charges, not clean water.

4. On 27 December 2017, the customer advised the company that the address on its invoice was incorrect, the company checked the Water Market database and it was confirmed that the wastewater charge is for the customer's property but that the address needed to be updated. This was raised to the wholesaler for them to amend the information on the water market database and as such the company updated the account and rebilled this to show the correct supply address. However, the evidence shows there was a delay on rebilling the account and as such this prompted further correspondence from the customer questioning why their invoices were still incorrect.
5. On 11 January 2019, the customer once again contacted the company querying his account and refused to make payment on the outstanding invoice until the company had explained how it explained its wastewater charges. The evidence shows that this information concerning the charges was then provided to the customer. The customer remained unhappy with the company's customer service and responses and in February 2019 progressed matters to CCWater. After discussions with CCWater the customer's account was rebilled on 4 April 2019 with the correct address. Furthermore, the company made payments of £60.00 to cover its failings during its dialog with the customer. The customer remained unhappy with the outcome and on 1 November 2019 commenced the adjudication process.
6. With regard to the customer's comments that he was not informed the customer before his account was transferred from the wholesaler that he would be billed directly by the company. Furthermore, the customer also states that he never agreed a contract with the company in 2017 that the company start billing him for wastewater. The evidence shows that the company is

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the default retailer for customer's area when water market opened in April 2017. This was not done based on a contract basis and all commercial sites were transferred on default rates, the same rates at charged before the market was opened up. The company within its defence documents state the customer can opt for a contract if he wants or to change retailers and I understand that the company advised the customer that this information should have been provided by the wholesaler prior to April 2017. Furthermore, this information was available through various media outlets prior to April 2017. The company states that it does not call customers to offer them contracts, however, customers can contact the company if they want to ask about rates. The customer states that he did not receive any information regarding the ability to discuss rates. The evidence shows that the customer had previously been charged by RST Water for wastewater.

7. The company states that in December 2017 a letter was sent to all RST customers to introduce them to Green Water and to enable them to make any arrangements for any outstanding debt. After careful analysis of all the evidence, I find that on the balance of probabilities the customer had been made aware of the possibility to discuss rates and that he would be billed for wastewater by the company from April 2017.
8. With regard to the customer's application for non-return sewer allowance. I understand that under the wholesaler policy this would require either a separate supply at the customer's own cost or by installing a private sub-meter on the part of the customer's private water supply that does not return to the company's assets. The evidence provided by these methods can then be sent to the company who will evaluate whether a reduction in the percentage return to its assets is warranted. The company states that until the customer has a private sub-meter installed it is unable to apply non-return sewer allowance. Accordingly, I am satisfied there have been no failings with regard to refusal to accept the customer's non-return sewer allowance application.
9. With regard to the customer's comments concerning being double billed. I understand from the evidence that the customer is a border customer meaning that RST charge for the clean water and the company charge for the wastewater. The evidence also shows that initially there was some confusion regarding the address of the company property which may have led to further confusion regarding being double billed, however, I understand that this was sorted out and the invoices reissued with the correct address. After careful review of the evidence I find that it has not been proven that there has been double billing on the account as the company are only charging for the wastewater and RST are charging for the clean water. The evidence shows that the bills provided in evidence are correct regarding the waste water charges. There has been no

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evidence provided by the customer to show that they have been billed by RST for the same period. The company states that if the customer wants to be billed by RST for both waste and clean water, they can request this however, they would need to contact RST directly and request that they contact the company to action this. In light of above, I find that it has not been proven that the failed to provide its services to the customer to the standard to be reasonably expected by the average person with regard to its billing processes.

10. The customer has requested a refund of his late payment fee of £70.00 and a refund his administration fee of £150.00 due to the company employing a debt collection agency to recover an unpaid bill. I note the customer's comments that payment was not made due to the customer thinking that the company was double billing. However, this does not alleviate the customer's responsibility to pay any outstanding balance. In compliance with OFWAT's guidelines on collection of debt, if no payment plan is in place with the company or full payment has not been received the company is entitled to report any late payment to the credit reference agencies and pass the debt onto a debt collection agency. In light of the above, I find that it has not been proven that the failed to provide its services to the customer to the standard to be reasonably expected by the average person with regard to its debt recovery processes.

11. The company has certain obligations in respect of its customer services. As evidenced by the timeline within the company's defence documents I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained the reasons behind why a sub meter is required for a non-return sewer allowance and why the customer was not double billed. I understand there was an error with the address details due to the information provided during market migration. The evidence shows that this was submitted back to the wholesaler to update the market database and subsequently was updated on the customer's account. The evidence shows that the company apologised that the invoices were not rebilled straight away to reflect this, therefore, causing the customer to contact the company several times again regarding this matter. The company has applied a £20.00 credit for this service failure. Furthermore, where the company had admitted further customer service failings with regard to failed call backs and misinformation, the customer has been provided a £60.00. Accordingly, I am satisfied there have been no failings with regard to customer service, which the customer has not already been adequately compensated for.

12. In light of the above, I find the customer has not proven the company failed to provide its services to the customer to the standard to be reasonably expected by the average person with regard to with regard to the transfer of his account from the wholesaler, double billing and the

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non-return sewer allowance. Furthermore, I am satisfied there have been no failings with regard to customer service, which the customer has not already been adequately compensated for.

Outcome

The company does not need to take any further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 4 February 2020 to accept or reject this decision.
- When you tell WATRS that you accept or reject the decision, the company will be notified of this. The case will be closed.
- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision.



**Mark Ledger FCI Arb
Adjudicator**