

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X407

Date of Decision: 14/06/2021

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding backdated billing on her account. The customer says that the company did not backdate far enough when re-calculating charges that had originally been calculated on the wrong basis. The customer claims that despite ongoing discussions with the company and the involvement of CCWater the dispute is unresolved and therefore she has brought the claim to the WATRS Scheme and asks that the company be directed to recalculate her bills back to 03 November 2019 based on a lower charging band.

Response

The company states that it is not responsible for granting retrospective bill adjustments, as this responsibility rests with the surface water wholesaler. The company states it has taken all reasonable steps to have the wholesaler grant a lower charging band and permit recalculation of the bill. The company has not made any offer of settlement to the customer and is not able to agree to the customer's request.

Findings

I am satisfied the company acted reasonably in its dealings with the customer, and that the company is not responsible for granting a bill recalculation. I find the company made reasonable efforts to have the wholesaler permit recalculation of the bill, but without success. Overall, I find that the company has not failed to provide its services to a reasonable level nor has failed to manage the customer's account to the level to be reasonably expected by the average person.

Outcome

The company does not need to take further action.

The customer must reply by 12/07/2021 to accept or reject this decision.

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Date of Decision: 14/06/2021

Case Outline

The customer's complaint is that:

• She has experienced an ongoing dispute with the company concerning problems with billing on her account. The customer says that the company is incorrectly billing her and declines to amend bills issued for the period between November 2019 and June 2020. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled. • She commenced occupation of her premises on 03 November 2019. • She contacted the company on 22 January 2020 to advise it that she was the new occupier of the premises. • The company replied to her on 29 January 2020 stating that it could not find her address in its records and requested that she supply the serial number of the water meter for the premises. • She consulted the landlord of the premises who advised her that the property did not receive a metered supply. • In November 2020 she received a bill for surface water and highways drainage based on her property being in charge band 4. • After complaining to the company, it agreed that charge band 2 was the correct level, and it revised her bill back to 06 June 2020. • The company refuses to backdate the invoice at charge band 2 level to the date she took possession of the property in November 2019. • She approached the appropriate water wholesaler who declined to assist her, referring her back to the company. • She has paid her current bill for the period April 2021 to April 2022. • Believing the company had not properly addressed her concerns the customer, on 30 November 2020, escalated her complaint to CCWater who took up the complaint with the company on her behalf. The customer records that CCWater contacted the company and requested more detailed information from it and to review the customer service provided. • She acknowledges that CCWater were involved in much correspondence with the company, and that on 12 April 2021 it requested that the company provide a comprehensive reply to its list of queries. The company provided a detailed response to CCWater on 15 April 2021 and confirmed its stance that it would not adjust the bill back beyond June 2020. CCWater informed the customer on 20 April 2021 that it believed the company will not change its position and will not agree to adjust the surface water charge banding used back beyond June 2020. CCWater confirmed that it could not take any further steps to alter the position of the company. • The customer says that despite the intervention of CCWater, the dispute is ongoing, and the company has not changed its position and CCWater are unable to obtain a resolution between the parties. The customer remains dissatisfied with the response of the company and has, on 20 April 2021, referred the matter to the

WATRS Scheme where she requests that the company be directed to adjust her previously issued bill by applying charge band 2 to the period between November 2019 and June 2020.

The company's response is that:

- It confirms receiving an e-mail query from the customer dated 22 January 2020 that gave the address of the property but not the date when the customer took occupation.
- It replied to the customer on 29 January 2020 asking for additional information including the date when the customer moved into the premises. The company states it cannot open an account unless it knows the date of first occupation. The company says that its records do not show that it received any response from the customer, and she did not provide the requested information.
- Its debt collection team conducted a vacancy trace on the premises in question in October 2020 and identified the customer as the occupier. It then opened an account in the name of the customer.
- On 27 October 2020 it issued an invoice to the customer that was backdated for a period of sixteen months, this being the maximum period permitted under industry regulations set by OFWAT. The invoice was in respect of surface water and highways drainage.
- On 24 November 2020 the customer complained about the bill and in response the company sent her a Site Area Banding form, that she completed and returned on 02 December 2020. The form was forwarded to the wholesaler who is responsible for setting charges. The wholesaler lowered the charge band from level 4 to level 2 and approved a bill adjustment for the period back to 02 June 2020. The company made the adjustment and re-issued the bill.
- A stage 2 complaint was received from the customer on 03 February 2021 in which she requested an explanation as to why the bill was not revised back to November 2019. The company explained to the customer that it was not responsible for authorising bill adjustments, and it had to follow the procedures of the wholesaler.
- It acknowledges that the customer escalated the complaint to CCWater who contacted it on 12 April 2021. It confirms that it submitted a detailed response to CCWater on 15 April 2021 in which it confirmed the position that it could not extend revised charges beyond 02 June 2020.
- It believes that had the customer replied to its e-mail request of February 2020 it would have been able to open an account in her name at that time and this would have enabled the company to approach the wholesaler. Thus, there would have been an increased likelihood that the wholesaler would have placed the customer in charge band 2 from the outset.
- In summary it believes it has acted correctly and declines to accept the request of CCWater that it go again to the wholesaler to have it approve extending the backdated charges. The company states that should the customer provide evidence it responded to its e-mail of February 2020 then it would consider approaching the wholesaler again.

How is a WATRS decision reached?

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

- Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
- 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 relates to the customer's dissatisfaction that the company refuses to recalculate back charges beyond 02 June 2020.
2. I note that the WATRS adjudication scheme is an evidence-based process, and that for the customer's claim to be successful, the evidence should show that the company has not provided its services to the standard that would reasonably be expected of it.
3. I am aware that both the water retailer and water wholesaler are referred to in the claim made by the customer. The retailer is REDACTED and the wholesaler is REDACTED. In this WATRS adjudication decision, REDACTED is defined as the "company".
4. I further find that it is useful at this point to set out the different responsibilities of retailers and wholesalers in respect of business customers. Simplistically, the wholesaler is responsible for the provision and maintenance of the water supply and sewerage networks and the retailer handles account management, billing, customer service etc. The wholesaler bills the retailer in bulk for the water consumed/collected by its customers with the retailer then billing the individual customer.
5. Following the opening of the business water market on 01 April 2017 the wholesaler is permitted to set the tariffs for water delivery/sewage collection and maintenance of the water supply/collection network. This also means that the wholesaler sets out its other procedures such as leak allowances, refunds, bill adjustments, etc.

6. The retailer does not set tariffs nor grant rebates, allowances, or bill adjustments and is obliged in its customer facing role to manage administrative dealings such as billing, meter reading, and providing customer services.

7. From the evidence provided to me I am aware that the customer's property is classified as a business and therefore she is a customer of the company and not the wholesaler. The customer receives wastewater services from the wholesaler, but the company issues a bill to the customer.

8. I can see that the customer occupied her premises as from 03 November 2019. I also note that she contacted the company on 22 January 2020 to notify it that she had taken occupation.

9. The company responded to her on 29 January 2020, and in its e-mail it stated :-
"Unfortunately we've been unable to process your request this time.
To enable us to update our records with the correct information, please provide us with the previous account number, meter serial number or SPID for your property.
Along with the exact date from when your responsible for the above property."

10. I have not seen any evidence that the customer replied to this request for information.

11. The customer has stated that the e-mail said the company could not find her address. My reading of the e-mail does not agree with the customer's understanding, I can see no request for her to provide her physical address.

12. I am satisfied that the customer did not respond to the company's e-mail of 29 January 2020 and made no further efforts to contact the company despite understanding that she had not set up an account and had not received any bills for a period of over eight months.

13. I am further satisfied that the customer only contacted the company in November 2020 after receiving a bill from the company following research by its debt collection services.

14. I can see that after contact from the customer in November 2020 and after receiving confirmation of details of her lease agreement, the company went to the wholesaler to request that a change in charge banding be granted. I note the wholesaler agreed to reduce the banding from 4 to 2 and backdated this change to 2 June 2020. Subsequently the company re-issued a bill to the customer calculated at the reduced banding.

15. The company has stated that, in compliance with OFWAT regulations, it is permitted to back charge customers who have not provided details sufficient to

permit the setting up of an account for a maximum of sixteen months. The company confirms that it adopted this procedure and its initial invoice to the customer covered a period going back sixteen months.

16. Following receipt of proof of occupancy commencing on 03 November 2019 the company re-adjusted the bill accordingly.

17. As I have described above, the retailer does not grant bill adjustments, and is obliged in its customer facing role to manage administrative dealings and provide customer services. Thus, in this role, it is the responsibility of the company to liaise with the wholesaler on behalf of the customer.

18. I can see that the company advised the customer to complete a site area review form in November 2020, and upon receipt the company referred this to the wholesaler on 02 December 2020 and secured a charge band change in her favour.

19. The wholesaler agreed to reduce the charge band level from 4 to 2, and in compliance with its policy backdated the change for a period of six months from the date of the application. Thus, it granted the reduction back to 06 June 2020. In turn, the company re-issued the bill revised to 06 June 2020.

20. From my examination of the evidence submitted to me by the parties, I am satisfied that the company has acted reasonably on behalf of the customer in its dealings with the wholesaler and in attempting to secure a bill adjustment on her account. As the customer's complaint is against the company and not the wholesaler, I am not able to direct that the customer receives a bill re-calculation as she has requested.

21. My conclusion on the main issues is that the company has not failed to provide its services to a standard to be reasonably expected by the average person.

Preliminary Decision

- The Preliminary Decision was issued to the parties on 01 June 2021.
- The parties did not submit comments on the Preliminary Decision.

Outcome

1. The company does not need to take further action.

What happens next?

This adjudication decision is final and cannot be appealed or amended.

The customer must reply within 20 working days to accept or reject this final decision.

When you tell WATRS that you accept or reject the decision, the company will be notified of this. The case will then 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.

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Peter Sansom
Adjudicator