

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC UTILITIES - COLORADO

Carestream Health, Inc. v. Colorado Public Utilities Commission

Supreme Court of Colorado - June 19, 2017 - P.3d - 2017 WL 2640798 - 2017 CO 75

Customer filed complaint with Colorado Public Utilities Commission, claiming that provider of gas transportation services violated its tariff by failing to use all reasonable means to prevent billing errors.

The Public Utilities Commission denied complaint. Customer appealed. The District Court affirmed. Customer appealed.

The Supreme Court of Colorado held that:

- Determining what means were reasonable required consideration of what errors were foreseeable;
- Customer was not deprived due process; and
- Customer lacked standing to challenge provider's recovery of undercharge from its general customer base.

Determining what means were reasonable within meaning of provision of gas transportation services provider that required provider to use all reasonable means to prevent billing errors required consideration of what errors were foreseeable. Use of the term "reasonable" showed that, rather than requiring compliance with some bright-line rule, the tariff called for appropriate measures to be taken given the circumstances.

Customer was not deprived due process in proceeding concerning complaint filed by customer alleging that gas transportation services failed to comply with provision of its tariff that required provider to use all reasonable means to prevent billing errors, where customer was provided with ample notice and an opportunity to be heard of issue of whether provider's billing error was foreseeable.

Customer lacked standing to challenge gas transportation services provider's recovery of undercharge from its general customer base, where customer suffered no injury from that action.