

From: [Clark, Charity](#)
To: gordon.dritschilo@rutlandherald.com
Subject: Public Records Act request - Messier Complaint
Date: Thursday, January 30, 2020 2:28:12 PM
Attachments: [Dritschilo PRA Responses Redacted.pdf](#)

Hi, Gordon,

Based on our telephone conversation today, I understand that you would like copies of documents related to the Messier complaint, 2019-10934, filed with our Consumer Assistance Program. Responsive documents are attached. Note that personal information about the consumer, such as street address, telephone number and email address, have been redacted. You will also see that the name of the Consumer Advisor has been redacted in some instances. This is because some of our Consumer Advisors are UVM students. Their names must be redacted pursuant to FERPA.

I also wanted to mention that some of the letters are dated today's date rather than the dates they were actually sent. Here is a "decoder," if you will, that describes when those documents were sent. Please let me know if there is any confusion.

Matter Name	Matter #
Messier, Michael (FATHOM Water Services) CAP	2019-10934

Template Docs Records Date	Title
10/1/2019	CAP Complaint To Business
10/1/2019	CAP Complaint Copy To Person
12/10/2019	CAP Update to Consumer
1/28/2020	CAP 2nd Letter to Business that didn't respond
1/28/2020	CAP 10 Day Review and Update

Please let me know if you have any questions.

Thank you.

Charity

Charity R. Clark
Chief of Staff
Office of the Attorney General
109 State St.
Montpelier, Vermont 05609
802-828-3737

January 30, 2020

FATHOM Water Services
21410 N 19th Avenue Ste 201
Phoenix, AZ 85027-2758

Re: 2019-10934
Michael Messier
[REDACTED]
Rutland, VT 05701

Dear Sir/Madam:

Our records show that you have not responded to the above-noted complaint.

Please notify us immediately of the steps you have taken to resolve this matter. If you do not respond, we will assume you agree with the facts the complainant has presented to us.

Sincerely,

Kathryn Pfefferle
Consumer Advisor

cc: Michael Messier

Water billing causes headaches

By Gordon Dritschilo Staff Writer Aug 27, 2019 1

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Public Works Commissioner Jeffrey Wennberg said Tuesday that the difficulties converting to a new water billing system are worrisome, but difficulties were always expected.

The latest mishap, announced Monday, consisted of FATHOM Water Services — the company overseeing the city's conversion to a smart meter system and handling billing — accidentally sending out test bills that were never meant to be mailed. The company said anyone getting a bill with a date of Oct. 1 and a due date of Sept. 26 can ignore it, and that the real bills should arrive around Oct. 1 with a due date of Nov. 1.

FATHOM Vice President Brad Dreier said Tuesday that the company was still investigating how the erroneous bills were sent out.

We're getting to the root cause of the issue but exactly how it happened has not been determined yet," he said.

FATHOM had a major hiccup when one user received notices about changing over meters meant for more than 100 other customers.

"The previous round, we had to do a bunch of estimated bills because the technology had screwed up," Wennberg said. "The radios we put in, several hundred of them, were set wrong by the manufacturer. ... That was a technical issue and it did get resolved. The bills were estimated based on previous bills. Some of those estimates had to be revised. We did a whole bunch of revisions during that cycle."

Wennberg said the sending out of the erroneous bills had shaken his confidence in FATHOM "quite significantly."

"It boggles the mind how this could happen," he said. "We're asking the question what kind of internal controls they have. ... I suspect they're going to be stronger in the near future. ... From a standpoint of bill accuracy or the next bill run ... it doesn't really affect anything. From a standpoint of public confusion and public confidence and public relations, it's an unmitigated disaster."

However, Wennberg said he still believed moving forward with FATHOM would ultimately prove beneficial to the city, and even if the city wanted to switch vendors, it would mean "a level of chaos and uncertainty that we couldn't even imagine."

“Unfortunately, in order to get from where we were to where we want to be, it’s like tiptoeing through a minefield and FATHOM has managed to step on a couple mines this quarter,” he said. “That’s not good. ... We have to hold them accountable and make them responsible for their work.”

Wennberg also noted that the billing was never flawless when the city was doing it.

“One of the main reasons for wanting to change was we had a number of errors and problems with the previous system,” he said. Wennberg said the sending out of the erroneous bills had shaken his confidence in FATHOM “quite significantly.”

Wennberg said the changeover revealed several people who had been on city water for years without getting a bill.

“We found a lot of stuff that was screwed up,” he said. “That’s one advantage of going through an arduous transition like this — all that stuff gets scrubbed out of the system.”

Dreier said the erroneous bills, at least, should be a one-time occurrence.

“Personally, I’m 100% confident it won’t happen again at this point,” he said. “To the best of my knowledge, it has not happened before. If it did, it was a long, long time ago. ... I think what I really want to say is, we sincerely apologize for any issues and inconvenience this has caused. We will do everything to rebuild the trust we want to have with our customers, the citizens and the city of Rutland.”

gordon.dritschilo

@rutlandherald.com

January 30, 2020

Michael Messier
[REDACTED]
Rutland, VT 05701

Re: Complaint 2019-10934

Dear Michael Messier

Below is a copy of correspondence we have sent to the business concerning your complaint. Please wait 10 business days, then update us on the status of your complaint by using the complaint update form on our website: ago.vermont.gov/cap/consumer-complaint or submit a written response. Please reference your complaint number in your response.

Sincerely,

[REDACTED]
Consumer Advisor

January 30, 2020

Michael Messier

[REDACTED]
Rutland, VT 05701

Re: 2019-10934 Business: FATHOM Water Services

Dear Michael Messier:

Thank you for contacting us with your complaint. We have sent a copy to the business asking it to contact you within 7 days to resolve this problem. We have also asked the business to notify us of the action it takes. Your complaint and the business response will become part of our public record for six years. It is our experience that two of every three complaints are successfully resolved through this procedure.

In 14 days, please update us on the complaint status by using the Online Response Form on our website, uvm.edu/consumer, or submit a written response. Please note, upon receipt of your update we may do one of the following:

1. If you indicate that your complaint was resolved, we will close the file accordingly.
2. If you indicate that the business has not contacted you, we will contact the business again on your behalf.
3. If you indicate that the business contacted you but your complaint remains unresolved, the action we take will depend in great part on the business response. If the response is unsatisfactory, we may pursue this matter further. If your complaint is not appropriate for further action on our part, we may refer you to small claims court or suggest that you consult a private attorney.

Thank you for bringing your complaint to our attention.

Sincerely,

[REDACTED]
Consumer Advisor

January 30, 2020

FATHOM Water Services
21410 N 19th Avenue Ste 201
Phoenix, AZ 85027-2758

Re: 2019-10934 Consumer: Michael Messier

Dear Sir/Madam:

We received the enclosed consumer complaint with respect to a transaction with your business. Although at this point our office has made no determination as to the validity of the complaint, we do ask that you contact the consumer directly within 7 days so that you and the consumer can resolve this matter without further involvement of this office.

We also ask that you notify this office, indicating the steps you have taken to resolve the complaint. Please respond using the Online Response Form located on our website, uvm.edu/consumer. Please include the above complaint number in your response.

We have also requested the consumer to update us regarding the complaint status after 14 days. The consumer's response, the enclosed complaint, and your response will remain on file in this office for six years.

Complaint files are public records and, as such, are open to the public for inspection. Information about complaints, including the number of complaints recorded in the last six years and their status, is provided to consumers who inquire about your business. Complaint information is also used to determine when investigations should be initiated.

We thank you for giving this matter your immediate attention.

Sincerely,


Consumer Advisor

ATHOM Material Breach

Attorney Bloomer noted language finding that premature general public knowledge regarding the City Attorney's analysis of a legal matter would clearly place the City at a substantial disadvantage because the discussion will include confidential attorney-client communications made for the purpose of providing professional legal services to the City. That language was so moved and seconded (Mattis, Whitcomb). Motion passed.

Attorney Bloomer then noted language to enter into executive session (with the inclusion of the Mayor, Commissioner of Public Works, Treasurer and City Attorney) to discuss the City Attorney's analysis of a legal matter as allowed under Title 1, Section 313(a)(1)(F). That language was so moved and seconded (Mattis, Whitcomb). Motion passed.

At 9:17 PM the Board moved into executive session.

City Water/Sewer Bills Sent in Error

Water and sewer bills arriving in the mail for some customers this week should be disregarded by city utility customers according to the Department of Public Works and the City's utility billing contractor, FATHOM Water Services. According to Brad Dreier, FATHOM's Vice President, Client Partners, the bills were generated to test system upgrades and should never have been printed and mailed.

The erroneous bills have a "bill date" of October 1 and a "due date" of September 26th. The official bills will arrive in the mail around October first and will have a due date of November 1.

"We are deeply sorry that these test bills were sent and apologize for the confusion," Brad Dreier said.

"We are working with the City to get the word out advising customers to disregard these bills and wait for the official bills that will arrive around October first. The City will not be charged for the erroneous billing or for the cost of notifying

From: AGO CAP <ago.cap@vermont.gov>
Sent: Monday, September 30, 2019 11:48 AM
To: AGO - CAP
Subject: CAP Complaint

The following CAP complaint was submitted:

Your First Name	Michel
Your Last Name	Messier
Confirmation Number	WB19-00917
Your E-Mail Address	[REDACTED]
Your Daytime Phone	[REDACTED]
Daytime Phone Type	Mobile
Your Mailing Address	[REDACTED]
Your City	Rutland
Your State	VT
Your Zip Code	05701
Is your complaint about:	A utility (electric, natural gas, cable TV or telephone)
Business Name or Person's First Name	City of Rutland
Person's Last Name	Vermont
Business Phone (1)	8027731800
Business Address	52 Washington St
Business City	Rutland
Business State	VT

Business Zip Code	05702
Business Website/URL	Rutlandcity.org
Description	<p>The City of Rutland has generated erroneous water and sewer bills. The City of Rutland has failed to apply and hidden its 2 times average water and sewer policy cap. The City of Rutland has applied uncalled for aggressive tactics in water and sewer new meter installations, of a known defective Fathom system. The City of Rutland is apparently not under the jurisdiction of the VTDPs.</p> <p>Will update with supporting documentation as soon as possible.</p>
Amount of loss:	\$4,000 personal, likely thousands across the customer rate base.
How would you like this matter to be resolved?	Investigation, audit, metering calibrations and billing reconciliations. A Stay in application of any higher than historic average Bill's, fees, penalties, interest, legal fees, publication of delinquencies and tax sales.
Incident Date	8/27/2019 12:00:00 AM

RE{3} Messier. Michael (FATHOM Water Services) CAP 2019-10934 (ID 218327).txt
From: AGO - CAP
Sent: Wednesday, October 2, 2019 2:28 PM
To: 'Duane Knudsen'
Subject: RE: Messier. Michael (FATHOM Water Services) CAP 2019-10934
Attachments: 093019 Messier (ID 218326).htm; 093019 Messier 2 (ID 217717).docx;
100119 Messier (2) (ID 217715).jpg; 100119 Messier (ID 217716).jpg

Re: Complaint 2019-10934

Dear Duane Knudsen:

I apologize for any confusion. It appears that the complaint form did not attach correctly to the original email that you received. I have attached it to this email. We thank you for giving this matter your immediate attention.

Sincerely,

James Mooney
Complaint Specialist

State of Vermont
Office of the Attorney General
Consumer Assistance Program
109 State Street
Montpelier, VT 05609-1001

Website: consumer.vermont.gov
Email: ago.cap@vermont.gov
Phone: (800) 649-2424

From: Duane Knudsen [<mailto:duane.knudsen@gwfathom.com>]
Sent: Wednesday, October 2, 2019 2:20 PM
To: AGO - CAP <AGO.CAP@vermont.gov>
Subject: RE: Messier. Michael (FATHOM Water Services) CAP 2019-10934

Hi, can you confirm that everything submitted with this complaint is attached? These appear to be copies of city council notes, a social media posting by the City of Rutland and a newspaper article (which already includes responses from both the City of Rutland and FATHOM). Was there a specific complaint that can be addressed in a response?

Duane Knudsen

RE{3} Messier. Michael (FATHOM Water Services) CAP 2019-10934 (ID 218327).txt
Director of Business Operations
Phone: 623.518.4057
Cell: 480.650.7775
duane.knudsen@gwfathom.com

FATHOM | 21410 North 19th Avenue, Suite 201, Phoenix, AZ 85027
<http://www.gwfathom.com>

From: AGO - CAP <AGO.CAP@vermont.gov>
Sent: Tuesday, October 01, 2019 7:47 AM
To: INFO <info@gwfathom.com>
Subject: [EXTERNAL] Messier. Michael (FATHOM Water Services) CAP 2019-10934

RE: 2019-10934

Dear Sir/Madam:

We received the enclosed consumer complaint with respect to a transaction with your business.

Although at this point our office has made no determination as to the validity of the complaint, we do

ask that you contact the consumer directly within 7 days so that you and the consumer can resolve this

matter without further involvement of this office.

We also ask that you notify this office, indicating the steps you have taken to resolve the complaint.

Please respond using the Complaint Response Form located on our website. Please include the above

complaint number in your response.

We have also requested the consumer to update us regarding the complaint status after 14 days. The

consumer's response, the enclosed complaint, and your response will remain on file in this office for six

years.

Complaint files are public records and, as such, are open to the public for inspection. Information about

complaints, including the number of complaints recorded in the last six years and their status, is

provided to consumers who inquire about your business. Complaint information is also used to

determine when investigations should be initiated.

We thank you for giving this matter your immediate attention.

Sincerely,


Consumer Advisor

RE{3} Messier. Michael (FATHOM Water Services) CAP 2019-10934 (ID 218327).txt
State of Vermont
Office of the Attorney General
Consumer Assistance Program
109 State Street
Montpelier, VT 05609-1001

Email: ago.cap@vermont.gov
Website: <https://ago.vermont.gov/cap/>
Phone: (800) 649-2424 (toll free from VT phone) or (802) 656-3183
Fax: (802) 304-1014

Clark, Charity

From: Office of the Vermont Attorney General <ago.helpdesk@vermont.gov>
Sent: Monday, January 6, 2020 2:09 PM
To: AGO - CAP
Cc: [REDACTED]
Subject: Update to complaint file number 2019

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

An update has been submitted by the Consumer for consumer complaint, file number 2019, filed by Michel J. Messier regarding a transaction with City of Rutland. The business contact is: Mayor David Allaire According to the update, this matter is Not yet resolved. The update states:

The City of Rutland has made many recent statements regarding Water and Sewer metering and billing issues including inaccurate bills.

They have delayed bills for January until at least February... Will update file in early February. Please see City link for Fathom regarding Fathom, Water (Sewer) bills... <https://www.rutlandcity.org/>

Any attachments included can be found here: Please note, any changes to contact information are below:

January 30, 2020

Michael Messier

[REDACTED]
Rutland, VT 05701

Re: 2019-10934 FATHOM Water Services

Dear Michael Messier:

Our records indicate that the Consumer Assistance Program opened the above-noted complaint for you. If your complaint is still unresolved, we may be able to continue to attempt letter mediation. If the complaint is resolved, please update our office as we would like to close our files accordingly.

You may submit a written using the complaint update form on our website, ago.vermont.gov/cap/consumer-complaint, or submit a written response.

If we do not hear from you within the next thirty days, we will be closing your file. We look forward to hearing from you as to the status of your complaint.

Sincerely,

[REDACTED]
Consumer Advisor