

Frequently Asked Questions

1. What is the case about?

In September 2017, Class Counsel filed a motion seeking to challenge certain billing practices of Petaluma Butane Distributors, Inc. (“PBD”), arguing that billing statements dated May 31, 2016 or after violated the terms of a Settlement Agreement entered an earlier phase of the case. In a series of rulings issued in 2017, the Court disallowed some charges included in the “Balance Forward” amount on some customers’ accounts. PBD and Class Counsel have been working together to recalculate qualified customers’ “Balance Forward” amounts and issue revised billing statements to comply with the Court’s orders.

2. What has the Court ruled?

On July 13, 2017, the Court issued an order that held, among other things, that PBD was not entitled to collect certain charges included on billing statements for gallons customers dated May 31, 2016 or later if the charges were incurred on or before April 30, 2012, including charges for propane that were not paid off prior to June 1, 2016. The Court also ruled that PBD was not entitled to collect certain tank rental and other fees from before April 15, 2016. A copy of the July 13, 2017 Order can be found [here](#).

On August 10, 2018, the Court issued an order that held, among other things, held that “PBD shall cease and desist from sending any billing statements demanding, or taking any actions to collect, payment for propane delivered to any gallons customer prior to May 1, 2012.”

The court also held that “PBD shall cease and desist from sending any billing statement demanding, or taking any action to collect, payment for any tank rental or demurrage fee for use of PBD propane tank prior to April 15, 2016.”

PBD was ordered to “make restitution of any and all amounts paid by all gallons customers in response to a ‘balance forward’ stated on a billing statement dated May 31, 2016 or later for previously unpaid propane charges or tank rental/demurrage fees incurred prior to May 1, 2012. For those gallons customers who remain customers of PBD, PBD may make such restitution by crediting the customer’s account for the balance due, but shall promptly refund by check any remaining credit that may be owing at such time as the customer may cease being a customer of PBD once the audit processes set forth herein are completed. For former customers, PBD shall make restitution in the form of a refund check.”

The Court ordered PBD to “recalculate gallons customers’ ‘balance forward’ amounts” to exclude the disallowed charges for propane and tank rental and other fees and to provide those customers with “a ledger that includes any recalculated ‘balance forward’ amounts between May 1, 2012 and April 30, 2016 and a clear explanation of the charges and how they were calculated.”

The Court ordered that PBD and Class Counsel work together to develop the process and procedures used to recalculate customers' "Balance Forward" amounts and customer statements.

A copy of the August 10, 2017 Order can be found [here](#).

3. Where can I find the Court's orders?

A copy of the Court's January 9, 2017 Order can be found [here](#).

A copy of the Court's July 13, 2017 Order can be found [here](#).

A copy of the Court's August 10, 2017 Order can be found [here](#).

4. How are credits or refunds calculated?

To calculate customers' new account balances, PBD is conducting a multi-step analysis of all PBD's current and former customers between April 30, 2012 and May 31, 2016.

First, we are identifying and excluding from our analysis customers who did not meet the Court's criteria for restitution. This includes customers who

- a. First opened their account(s) with PBD after April 14, 2016;
- b. Started service after April 30, 2012 and were not charged tank rental and other disallowed fees;
- c. Accounts had a negative or zero balance after April 30, 2012 and before May 31, 2016 and were not charged tank rental and other disallowed fees.

Second, we have identified customers who are entitled to receive credits or restitution for tank rents and other disallowed charged between May 1, 2012 and April 14, 2016, but would not be entitled to credit for propane balances from prior to May 1, 2012. These includes customers who started service after April 30, 2012 and were charged tank rental fees and customers whose accounts had a negative or zero balance after April 30, 2012 and before May 31, 2016 and were charged tank rental fees.

Third, for all remaining PBD gallons customers between May 1, 2012 and May 31, 2016, in conjunction with Class Counsel, we are conducting an individualized analysis under the oversight of a Court-approved Certified Public Accountant to remove from your current account balance all charges disallowed by the Court. Specifically:

- a. We are removing from customer balances any charges for propane that were incurred prior to May 1, 2012 and which our records show were unpaid as of May 31, 2016 that have not been credited.
- b. We are removing charges for tank rents, service fees, and demurrage fees for the period May 1, 2012 to April 14, 2016 that have not been credited.

- c. We are not removing other authorized charges incurred from May 1, 2012 to the present, such as charges for bounced checks.

When this process is complete, PBD will issue revised billing statements. If your revised statement shows amounts still owing, you will be required to pay that balance. Customers who have already paid charges disallowed by the Court will receive restitution of these payments. If you are a current customer, your restitution will appear as a credit. If you are no longer our customer, we will issue a check for the net amount due, if any. Restitution, if any, may include interest at the statutory rate of 10%.

For balances due to PBD, payment is due within 30 days. If you require additional time to make your payment, please contact us and we will arrange an installment plan.

5. When will I learn whether I am entitled to a credit or refund?

The process for recalculating customers' account balances is underway. We will update this information when we have a schedule that has been approved by the Court. The next hearing is set for August 10, 2018.

6. What balance should I pay?

Your billing statement from PBD lists a "Balance prior to 4/15/16" and a "Balance due starting 4/15/16." You need not pay the "Balance prior to 4/15/16" at this time.

Please pay the "Balance due starting 4/15/16."

7. How can I get more information about my account?

To access your account online, visit our website, click on "Account Info" and choose "View Account." Log in or register your account, and follow the prompts. You will need your service address and account number. To obtain a printout by email or mail, email billing@decarlipropane.com or call 707-762-4511.

8. How can I challenge my revised billing statement?

As we finalize revised billing statements, we are developing a process for resolving customer questions and disputes. Check back here for additional information.