

ORIGINAL

Decision No. 63737

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Arthur H. Muir, Jr.,

Complainant,

vs.

Hillside Water Co., a corporation,

Defendant.

Case No. 7290

Dr. Arthur H. Muir, Jr., in propria  
persona, complainant.  
Roy E. Coble, for the defendant.

O P I N I O N

The above-entitled complaint was filed on March 2, 1962, by Arthur H. Muir, Jr., against Hillside Water Co., a public utility water corporation, alleging that the water consumption registered on his domestic water service meter for the period October 19, 1961, through November 18, 1961, of 2,101 cubic feet<sup>1/</sup> was in error. The complainant requests an order affirming such error and correcting the corresponding charges for water service accordingly.

A public hearing was held before Examiner Stewart C. Warner on April 12, 1962, at Los Angeles.

The complainant's monthly water consumption for the period July, 1960, through March, 1961, ranged from a low of

<sup>1/</sup> Complainant was billed \$16.51 for this quantity of water, but does not complain of the magnitude of such billing per se.

411 cu.ft. in August to 992 cu.ft. in March. During this period, the complainant was renting the property, but in May, 1961, discontinued his tenancy and bought the property whereupon his monthly consumption increased to a high of 1,292 cu.ft.<sup>2/</sup> in June, 1961. The complainant purchased and installed a dishwasher in August, 1961, whereupon his monthly consumption for the months of August, September, and October, 1961, rose to a high of 1,633 cu.ft.<sup>3/</sup> His water meter registered a consumption of 2,101 cu.ft.<sup>4/</sup> in November, 1961, but when he requested the defendant to remove the meter and have it checked for accuracy, which the defendant did and found the meter to be correct,<sup>5/</sup> the complainant's monthly consumption for December dropped to 650 cu.ft.<sup>6/</sup> and for January, 1962 to 626 cu.ft.<sup>7/</sup> The consumption for February, 1962, was 877 cu.ft.<sup>8/</sup> and for March, 1962, 738 cu.ft.<sup>9/</sup>

The Commission takes notice of the fact that on November 6, 1961, a devastating fire broke out in the Malibu-Topanga area and continued for several days. Its breakout was preceded by unprecedented heat, drought, and low humidity weather conditions. It was followed by rain and a drop in temperatures for most of the balance of November.

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<sup>2/</sup> The billing for this quantity of water was \$10.34.

<sup>3/</sup> The billing for this quantity of water was \$13.00.

<sup>4/</sup> See footnote 1.

<sup>5/</sup> The meter was sent to a meter company and checked according to standard procedures.

<sup>6/</sup> The billing for this quantity of water was \$5.63.

<sup>7/</sup> The billing for this quantity of water was \$5.45.

<sup>8/</sup> The billing for this quantity of water was \$7.33.

<sup>9/</sup> The billing for this quantity of water was \$6.29.

The complainant testified that he had not watered down his home or property because of the fire hazard since his property was located some distance from the nearest point of the fire. He testified further that neither he nor his wife had engaged in any unusual water usage during the period of the disputed water meter registration. Neither he nor his wife found any leaky faucets or other water leaks. Neither he nor his wife nor any of their neighbors had observed anyone entering the property to withdraw water from outside faucets.

Witnesses for the defendant could not account for the increased water consumption registration for the period disputed. They testified that there had been no general breakdown of the water system which might have caused air to pass through the meter, in turn causing it to register rapidly.

#### Findings and Conclusions

Despite every attempt by the Commission to determine the factor contributing to the increase in the October-November billing period of the complainant over each of the previous three months' billing periods and the substantial decrease in the consumption of the December and January billing periods, no valid explanation thereof is disclosed on the record herein.

The Commission concludes that the increase in the complainant's water consumption for the November, 1961, billing period over each of the previous three months' billing periods is not unreasonable and that the decreases in the December, 1961, and January, 1962, billing periods under the November, 1961, billing period are reasonably to have been expected due to the weather conditions prevailing over the period.

No good cause having been shown for the granting of the relief prayed for, it is concluded that the complaint should be dismissed.


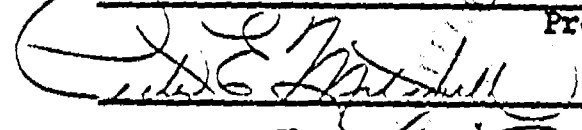

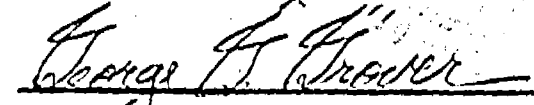
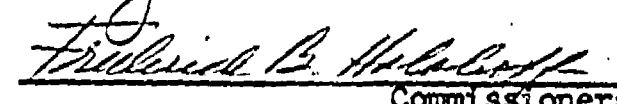
O R D E R

Complaint as above-entitled having been filed, a public hearing having been held, the matter having been submitted, and now ready for decision,

IT IS HEREBY ORDERED that the complaint herein be, and it is, dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 28th day of MAY, 1962.

  
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President  
  
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Commissioners