

**ORIGINAL**

Decision No. 74663

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Alfonso A. Alesandrini  
 Complainant,  
 vs.  
 Park Water Company  
 Defendant.

Case No. 8795  
(Filed May 1, 1968)

Alfonso A. Alesandrini, in propria  
persona, complainant.  
William S. Cook, for defendant.

O P I N I O N

The complainant alleges that his bills for water furnished by defendant were as follows for the listed periods:

November and December, 1965:	\$ 9.08
November and December, 1966:	8.32
November and December, 1967:	41.22 <sup>1</sup>
January and February, 1966:	8.83
January and February, 1967:	6.79
January and February, 1968:	89.08

Complainant further alleges that the bills for November and December, 1967, and January and February, 1968, were five and twelve times greater than in previous years; that upon receipt of the January-February, 1968 bill he asked defendant to check for error in the meter reading or in the meter itself; that defendant reread the meter

<sup>1</sup> The complaint states \$42.22. The defendant, in its answer, stated the amount was \$41.22. The complainant agreed that the latter amount is correct.

in ten days and found the normal flow of approximately 100 cubic feet of water per day was being used; that defendant installed a new meter which showed the normal usage of 100 to 200 cubic feet of water per day with no evidence of leaks on the premises; and that it is impossible that complainant used the amount of water the old meter registered from October 1967 to March 1968.

The complainant requests an order that the defendant make an adjustment on his bill and suggests that the defendant use the prior two-year averages of the same period of time as a basis of payment.

On May 22, 1968, the defendant filed an answer to the complaint. Therein the defendant admits that the billing amounts heretofore stated were correct except for the \$1.00 error reflected in footnote 1 above. The defendant further alleges that it read the complainant's meter for billing purposes on March 9, 1968; that the meter-reader noted the high consumption and verified his reading; that thereafter the billing clerk had the reading reverified on March 13 prior to rendering the bill; that the bill was issued on March 14, 1968; that on March 15 the complainant telephoned the defendant and was informed what had transpired to date and that the defendant would test the meter for accuracy; that the meter was removed and tested (a new meter was installed) on March 19, 1968; that the test results showed the meter to have been performing within the range of accuracy prescribed by the Commission (General Order No. 103); that on March 19 the complainant was advised of the test results; that on March 25 complainant requested that defendant reread the newly installed meter and check his premises for leaks;

that this was done on March 26, 1968; that no leaks were found and the new reading indicated that complainant's usage had returned to a normal pattern; that the results of this check were mailed to complainant on April 4, 1968; and that the complainant telephoned to advise the defendant that he was making an informal complaint to the Commission. The defendant further alleges that the complainant's first meter was tested on March 19, 1968 and found to be accurate; that this meter was placed in service as a new meter on December 31, 1957 and remained there until removed on March 19, 1968; that this meter was returned to the defendant's meter repair shop in good condition and with the seal intact, the glass unbroken and with good clarity, the register clearly readable with the register hands firmly affixed upon their spindles and none of the hands offset; and that the meter was tested on March 19, 1968 by defendant with the following results:

At a flow of 1/4 gpm	96.5% accurate
At a flow of 2 gpm	100.5% accurate
At a flow of 8 gpm	100.1% accurate
At a flow of 20 gpm	100.0% accurate

The answer further alleged that 10 percent of the new meters received are tested by defendant; that complainant's meter was not one of those so tested; that defendant has requested a certified copy of the manufacturer's tests of complainant's old meter; that defendant's records indicate that this meter had never been repaired or tampered with; and that from experience it appears that if this type of meter does become faulty it does not over-register the amount of water but under-registers.

On June 20, 1968, the defendant filed an amendment to its answer which included (Exhibit A thereto) a certified result of tests of the complainant's meter which was in place until removed on March 19, 1968; that these factory tests of complainant's meter, made prior to delivery to defendant in 1957, show that at a flow of 20 gallons per minute the meter registered 99 percent of the water through the meter; that at one gallon per minute it registered 100.2 percent of the water going through the meter; and that at one-fourth gallon per minute it registered 95 percent of the water going through the meter.

The defendant requests that the complaint be dismissed.

A public hearing on the complaint was held before Examiner Rogers in Los Angeles on August 6, 1968, and the matter was submitted.

The complainant testified that the meters referred to herein were installed in his cocktail lounge; that it is cooled by a 5-ton compressor-type air conditioner which, when in use, has a steady flow of water which drains outside the premises; that he has had this cocktail lounge since March, 1965; that the water bills are the highest during hot weather; that he has never had a bill for over \$41 for two months prior to the November, 1967 to February, 1968 period; that he has never had any other water bill as high as \$89; that his normal consumption of water is 100 to 200 cubic feet per day; that he has had no plumbing or air conditioner changes during his ownership; that his March-April, 1968 water bill was \$12.40 and his May-June, 1968 water bill was \$30.61; that during the period March-April, 1968 he purposely wasted water; that the premises

contain a ladies' room in which there is a single toilet and wash basin and that the men's room contains a single toilet, wash basin and urinal; that he had the air conditioner checked after the excessive use of water and there is nothing wrong with the air conditioner; that there are no underground leaks; that the overflow water from the air conditioner drains into the gutter; that in the summer months there is a continuous flow of water; that during the period when he received the excessive bills he did not notice any water running in the gutter; that during the winter months he has a heater going and the air conditioner is not working; and that he personally checks the switches for the various electrical units at all times.

The complainant stated that the Commission must determine whether or not the water meter was properly functioning.

The vice president of the defendant water company restated the matters set forth in the amended answer. In addition, he testified that the air conditioner is water-cooled; that the service records of the company indicate that between December 31, 1957 and March 19, 1968, there was no occasion to service complainant's water meter; that when the complainant objected to the water bill, the then-existing water meter was removed and a new one installed; that the meter that was removed was undamaged; that defendant tested the meter and found the degree of accuracy stated in the answer; that the factory tests made prior to purchase by defendant in 1957 (Exhibit A to the amendment to the answer) showed that the meter recorded 99 percent of the water at a flow of 20 gpm, recorded .2 of one percent over at 1 gpm, and recorded only 95 percent of the water at one-fourth of a gallon per minute; that the \$41.22

bill reflects approximately 34,000 cubic feet of water; that the \$89.08 bill reflects approximately 80,900 cubic feet of water; that the \$41 bill is not out of line except for the time of year; that the \$89 bill had to indicate some malfunction of water-consuming equipment, for instance, the solenoid valve on the air conditioner, causing water to run constantly; that between the March 9 billing date and March 19 when the first meter was removed, a repair man checked the premises on two occasions and could find no leaks; that this repairman had all water devices closed when he checked for leaks; that no water consumption was recorded on these occasions; and that normally the July to August period is the heaviest consumption period.

Findings

Upon the record herein the Commission finds that:

1. The complainant, since March, 1965, has had a cocktail lounge in Norwalk, California, at which water is furnished by the defendant water company, a public utility water company operating pursuant to authority from this Commission; that this cocktail lounge is cooled by a 5-ton compressor-type air conditioner which, when in operation, requires a steady flow of water which drains outside the premises.

2. The water meter for this cocktail lounge was installed by defendant on or about December 31, 1957, and was in constant use at said premises between said date and March 19, 1968. Prior to installation of this meter at the premises now occupied by the complainant, it was inspected at the factory and found to be within the accuracy limits required by this Commission's General Order No. 103.

3. Since complainant has occupied the premises and until November, 1967, during the summer months his highest water bill was approximately \$40. These highest water bills occur during the summer months, June, July, August and September, of each year. For the two months' period, November and December, 1967, complainant received a bill of \$41.22 and for the period January and February, 1968, he received a bill of \$89.08. For the period of March and April, 1968, he received a water bill of \$12.40 and for the period May and June, 1968, he received a water bill of \$30.61.

4. When the complainant received from the defendant the \$89.08 January-February, 1968 water bill, he complained to the defendant. The defendant thereupon removed the existing meter on March 19, 1968 and replaced it with a new meter. The meter which was removed was checked by the defendant on March 19, 1968 and was found to be accurate within the allowances of this Commission's General Order No. 103.

5. When the defendant was advised of the extreme water consumption during the period November-December, 1967 and January-February, 1968, it had the premises checked for leaks and could find no leaks in the water system in complainant's premises.

6. Complainant's air conditioner is water-cooled, and when in operation the water drains into the alley. The air conditioner is turned on and off manually but also operated with a solenoid to keep the premises at the desired temperature. This solenoid is subject to faulty operation and could possibly keep the air conditioner running although switched off by the complainant.

7. During the four months' period from November 1, 1967 to February 29, 1968, inclusive, complainant's water bills totaled \$130.30. The amount of water represented by these charges was

actually delivered to complainant by defendant. The amount of water furnished was more than complainant would normally use but the excess water consumption was caused by some defect in complainant's facilities on his premises and not due to any fault of the defendant or defect in the meter.

8. The complainant was charged for water actually consumed by him and the defendant should not be required to reimburse the complainant for any portion of said charges.

Conclusion

Upon the foregoing findings, the Commission concludes that the complainant is entitled to no relief upon his complaint and that the complaint should be dismissed.

O R D E R

IT IS ORDERED that the above-entitled complaint be, and the same hereby is, dismissed.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of SEPTEMBER, 1968.

William Synoux Jr.  
President

William B. Bennett

Augusta

J. P. Morrissey  
Commissioners