LR/gf

Decision No. 78213

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

NORMAN FORDYCE,

Complainant

vs.

PALOS VERDES WATER COMPANY

Defendant.

Case No. 9118
(Filed September 16, 1970)

Norman Fordyce, in propria persona.
Adil S. Gandhi, for defendant.
L. M. Van Zandt, for the Commission staff.

O P I N I O N

After due notice, a public hearing on the complaint was held in Los Angeles before Examiner Rogers on December 14, 1970, and the matter was submitted.

The complaint alleges that defendant billed complainant for $55.12 for domestic water for the one month period ending June 17, 1970; that this figure represents the charge for over 100,000 gallons of water, an amount which a family of three persons can hardly use; and that the defendant and the complainant checked for leaks and found none.

The complainant requests an order requiring defendant to explain its charges and provide an adjustment to some reasonable figure.[1/]

In its answer, the defendant admits charging the complainant $55.12 for the monthly period ending June 17, 1970 for water delivered to complainant's premises; alleges that 13,800 cubic feet of water were actually delivered to complainant's premises during said period; alleges that the charge was just and reasonable; agrees that investigation showed no visible leaks; alleges that the meter serving complainant's premises was checked for accuracy in compliance with General Order No. 103, Section VI (3) and the average accuracy was 97.8 percent.

The complainant testified that he, his wife, and their eight year-old son reside at 26203 Basswood Avenue, Palos Verdes Peninsula, California; that he and his wife are school teachers; that the home contains one and three-fourths baths and is in an ordinary residential lot, approximately 50 feet by 125 feet; that he has no sprinkler system; that he has a swimming pool on the premises; that his wife uses a soaker to water the plants and lawn; that he and the defendant checked the system for leaks after the water bill for the period ending June 17, 1970 was received and found none; that the highest water bill the neighbor on one side of him had in 1970 was $25.57 and the highest water bill the neighbor on the other side had in 1970 was $21.38; that he has a swimming pool holding 17,000 gallons of water approximately; and that once a week he runs water into the pool for approximately one hour.

1/ The rates defendant charges were established by the Commission after hearing (Decision No. 76573, dated December 16, 1969, in Application No. 50886) and the reasonableness thereof cannot be considered in the instant complaint (California Public Utilities Code Section 1702).

The complainant further testified that he is disputing other bills in that he is paying more for water than other users and that he is not claiming any discrimination.

The defendant presented a record of complainant's water bills for 1970 from January 16 to November 17 (Exhibit No. 1); for the year 1969 (Exhibit No. 2), and for the year 1968 (Exhibit No. 3).

The following tabulations are comparisons of the periodic bills:

Month	Amount of Bill		
	1968 (Ex. 3)	1969 (Ex. 2)	1970 (Ex. 1)
January	$13.37	$14.19	$15.29
February	13.78	7.50	14.00
March	8.00	11.32	10.26
April	19.93	16.24	23.30
May	29.80	10.00	17.54
June	20.75	58.86	55.12
July	24.20	26.65	38.15
August	21.16	26.30	28.53
September	24.90	21.16	26.68
October	25.95	21.98	26.31
November	19.93	16.24	23.58
December	24.55	23.15	(Not yet billed)

The defendant's Assistant Secretary-Treasurer testified that defendant's rates were increased in January, 1970 (Decision No. 76573, supra); that in June, 1969, complainant complained of his June water bill; that the defendant had temporarily misplaced its billing records so it adjusted the complainant's water bill from the meter record of $58.86 to $41.15; that the meter was thereafter removed and checked and found to be within tolerable allowances of 84 percent at 1/4 gallon per minute flow (in complainant's favor),

102 percent at 15 gallons per minute flow and 99.8 percent at 2 gallons per minute flow; that after the complainant's meter was replaced his water bill was $55.12 in June, 1970 and the meter was again removed and replaced; and the removed meter was found to be 93 percent accurate at a flow of 1/4 gallon per minute, 100.6 percent accurate at a flow of two gallons per minute and 99.8 percent accurate at a flow of 15 gallons per minute.

The witness stated he had a conversation with the complainant on August 7, 1970 and told him he was using more water than he thought and complainant said he would try to reduce his water consumption; that for five days in August, defendant took daily meter readings; that the results show that for the period from Monday, August 10, 1970 to Friday, August 14, 1970, the complainant used a total of 600 cubic feet of water (Exhibit No. 4) or approximately 4,488 gallons of water.

Findings

The Commission finds that:

1. Complainant resides on the Palos Verdes Peninsula in Los Angeles County, California. He occupies thereat a single family home with one and three-fourths baths and a swimming pool. The lot is approximately 50 X 125 feet and the swimming pool holds 17,000 gallons of water.

2. Complainant receives water from the Palos Verdes Water Company (defendant), a public utility water corporation, whose rates are established pursuant to orders of this Commission. The present rates were set by Decision No. 76573 dated December 16, 1969.

3. Complainant was billed by the defendant $55.12 for domestic water furnished to him at his home for the one month period ending June 17, 1970. This figure represents the charge for 13,800 cubic feet of water. The complainant claims that this amount of water was not actually delivered by the defendant to the complainant for said period.

4. The charges for the water received by complainant from the defendant during the said period ending June 17, 1970, were the charges determined and found reasonable for said amount of water by this Commission in Decision No. 76573, supra. During the same period in the year 1969 when the rates were lower than they were in 1970, the complainant was charged $58.86 for water furnished by defendant to him on the same premises. The complainant, also complained of this bill and the defendant adjusted said bill downward by approximately $17.

5. The defendant replaced complainant's water meter in July 1969 and again in July 1970, in order to determine whether or not

complainant was receiving the amount of water he paid for. On both occasions the meters were found to be in accordance with the tolerances permitted by this Commission's General Order No. 103.

Conclusion

We conclude that the complaint should be dismissed.

O R D E R

IT IS ORDERED that the complaint be and it is hereby dismissed.

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

Dated at San Francisco, California, this 26th day of JANUARY, 1971.

Chairman

Commissioners