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Decision No. 79405

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MICHAEL M. LEVINE,
Complainant,

vs.

PACIFIC GAS AND ELECTRIC
COMPANY,
Defendant.

Case No. 9193
(Filed February 19, 1971;
Amended March 8, 1971)

M. M. Levine, for himself, complainant.
John S. Cooper and Robert Ohlbach, Attorneys
at Law, for Pacific Gas and Electric Company,
defendant.

O R D E R

This is a complaint by Michael M. Levine (hereinafter referred to as Levine) against Pacific Gas and Electric Company (hereinafter referred to as PG&E). The complaint seeks an order requiring PG&E to include on each bill sent to its customers "the rate charged for each unit of service, the quantity of each service item consumed, and the dollar total for each item."

A duly noticed public hearing was held in this matter before Examiner Jarvis in San Francisco on May 11, 1971. It was submitted on May 25, 1971.

The complaint, liberally construed with a view to substantial justice between the parties (Packard v. PT&T and Packard v. PG&E, Decision No. 77800 in Cases Nos. 8998 and 8999 at p. 3) alleges that PG&E's bills do not conform to those approved by the Commission and that PG&E's billing practices are contrary to requirements set forth in PT&T Co., 66 Cal. P.U.C. 419, 474 (ordering paragraph 2).

The material issue presented herein is: Are PG&E's billing practices, which do not provide on each bill rendered a detailed computation of how the total was derived, in violation of any provision of law or any order or rule of the Commission?

Levine pleaded and proved that PG&E is using a form of bill which is contrary to its tariffs on file with the Commission. However, this violation has absolutely no relevance whatsoever to the relief sought herein by Levine.

PG&E, where applicable, bills a customer for gas and electric service on a single bill. Its rates, rules and regulations for each service are contained in separate tariffs. On October 13, 1970, PG&E filed with the Commission Advice Letters 603-G and 375-E, which included a revised bill form which PG&E proposed to utilize. Adoption of the revised bill form was not suspended by the Commission and it became effective on November 12, 1970. (Public Utilities Code § 491.) The reverse side of the revised bill contains a list of the principal PG&E offices in cities throughout its system. Levine introduced a PG&E bill for service furnished in San Francisco. The reverse side of the bill is different than that set forth in the advice letters. It lists PG&E's general office in San Francisco; company offices in San Francisco, Daly City, San Bruno and South San Francisco and authorized pay stations in San Francisco, Brisbane, Daly City, Millbrae, Pacifica, San Bruno and South San Francisco.

Clearly, the reverse side of the San Francisco bill does not conform to the one set forth in PG&E's tariffs. PG&E ought to revise its tariffs or bills so they conform. However, the discrepancy is not detrimental to anyone. The information appears to be more beneficial to San Francisco customers. The discrepancy in no way relates to the relief sought herein.

Charges for gas and electricity are primarily based upon therms and kilowatt hours used. However, the rates applied to the amount of energy consumed are graduated ones. For example, PG&E's electric rate schedule D-1 presently provides for the following rates:^{1/}

<u>Per Meter Per Month</u>	
<u>D-1</u>	
Customer Charge:	\$0.50
Energy Charge (in addition to the Customer Charge):	
First 50 kwhr, per kwhr	4.0 cents
Next 50 kwhr, per kwhr	3.0
Next 100 kwhr, per kwhr	1.8
Next 100 kwhr, per kwhr	1.6
Next 700 kwhr, per kwhr	1.5
Over 1,000 kwhr, per kwhr	1.3

The charges applicable to specified amounts of energy are known as blocks. Thus, in schedule D-1, the first block would be a rate of 4 cents applied to the first 50 kilowatt hours consumed.

The record discloses that PG&E's bills presently set forth the tariff rate schedule upon which they are computed, and in the case of gas, the heat factor. The bills also contain the meter readings upon which the charges are based. Levine's complaint is that the bills do not contain a computation showing a breakdown by blocks from which the total charge is derived.

Section 1702 of the Public Utilities Code provides in part that:

"Complaint may be made by the commission of its own motion or by any corporation or person, ... by written petition or complaint, setting forth any act or thing done or omitted to be done by any public utility, including any rule or charge heretofore established or fixed by or for any public utility, in violation or claimed to be in violation, of any provision of law or of any order or rule of the commission."

^{1/} Decision No. 78186 in Application No. 51552, App. B, p. 5.

Levine, in order to secure the relief requested herein, has the burden of showing an act or omission by PG&E which is in violation of law or any order or rule of the Commission.

Section 489 of the Public Utilities Code provides in part that:

"Under such rules as the commission prescribes every public utility other than a common carrier shall file with the commission within such time and in such form as the commission designates, and shall print and keep open to public inspection, schedules showing all rates, tolls, rentals, charges, and classifications collected or enforced, or to be collected or enforced, together with all rules, contracts, privileges, and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service."

There is no statute dealing with the contents of gas and electric bills. Pursuant to Section 489, the Commission has adopted Section VIII of General Order No. 96-A which provides as follows:

"VIII. Public Inspection of Tariff Schedules

- "A. Tariff Schedules Open to Public Inspection. Each public utility shall maintain, open for public inspection at its main office in California, a copy of its complete tariff schedules and advice letters as filed with the Commission. Each public utility shall maintain, open for public inspection at its more important commercial offices, copies of its effective tariff schedule applicable within the territory served by such offices.
- "B. Public Notice. Each public utility shall post in a conspicuous place in its main office, and in each of its branch offices wherever the patrons receive attention, a notice to the effect that copies of the schedules of rates applying in the territory are on file, and may be inspected by anyone desiring to do so. Each telephone directory shall contain a statement indicating that the utility has tariff schedules available for public inspection."

General Order No. 96-A also requires gas and electric companies to set forth their bill forms in their tariffs (Section II C) but no specific form is required for all companies.

The record indicates that PG&E keeps copies of its applicable tariff rate schedules in its local business office for each of its districts. In addition, as a matter of business practice, PG&E will answer telephone inquiries from any customer regarding the details of the customer's bill, and will, upon request, mail to a customer copies of rate schedules applicable to service rendered to him. It is clear from the foregoing that PG&E has not violated Section 489 or General Order No. 96-A.

In PT&T Co., 66 Cal. P.U.C. 419, the Commission in Ordering Paragraph 2 (p. 474) ordered PT&T to provide detailed billing for multmessage unit charges. Assuming, for the purpose of discussion only, that the PT&T decision set forth a principle applicable to all utility billing practices, no violation of that principle has been established herein. The purpose of detailed billing for multmessage units is to assist the customer in verifying usage so that he can detect whether or not he has been misbilled. After usage has been determined, it is still necessary to refer to a rate schedule to determine the applicable rate. The telephone user has no readily available way to determine his usage. Gas and electric usage are recorded on meters to which the customer has access. He may easily verify the meter readings of the utility's representative.

Because of the conclusions heretofore made, it is not necessary to consider questions which would be raised (e.g., additional costs, the format of new bill forms, etc.) if a violation had been established herein. No other points require discussion. The Commission makes the following findings and conclusion.

Findings of Fact

1. PG&E is a public utility as defined in Section 216 of the Public Utilities Code.
2. PG&E's charges for gas and electricity are primarily based on therms and kilowatt hours used. The rates applied to the amount of energy consumed are graduated ones.
3. The bills which PG&E presently sends to its customers set forth the tariff rate schedules upon which they are computed, and in the case of gas, the heat factor. The bills also contain the meter readings upon which the charges are based. They do not contain a computation showing a breakdown by blocks from which the total charge is derived.
4. Section 1702 of the Public Utilities Code provides in part that:

"Complaint may be made by the commission of its own motion or by any corporation or person, ... by written petition or complaint, setting forth any act or thing done or omitted to be done by any public utility, including any rule or charge heretofore established or fixed by or for any public utility, in violation or claimed to be in violation, of any provision of law or of any order or rule of the commission."

5. Section 489 of the Public Utilities Code provides in part that:

"Under such rules as the commission prescribes, every public utility other than a common carrier shall file with the commission within such time and in such form as the commission designates, and shall print and keep open to public inspection, schedules showing all rates, tolls, rentals, charges, and classifications collected or enforced, or to be collected or enforced, together with all rules, contracts, privileges, and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service."

6. There is no California statute dealing with the contents of gas and electric bills.

7. Section VIII of General Order No. 96-A provides as follows:

"VIII. Public Inspection of Tariff Schedules

"A. Tariff Schedules Open to Public Inspection. Each public utility shall maintain, open for public inspection at its main office in California, a copy of its complete tariff schedules and advice letters as filed with the Commission. Each public utility shall maintain, open for public inspection at its more important commercial offices, copies of its effective tariff schedule applicable within the territory served by such offices.

"B. Public Notice. Each public utility shall post in a conspicuous place in its main office, and in each of its branch offices wherever the patrons receive attention, a notice to the effect that copies of the schedules of rates applying in the territory are on file, and may be inspected by anyone desiring to do so. Each telephone directory shall contain a statement indicating that the utility has tariff schedules available for public inspection."

8. Section II C of General Order No. 96-A requires gas and electrical corporations to set forth their bill forms in their tariffs. No specific form is required for all such corporations.

9. PG&E keeps copies of its applicable tariff rate schedules in its main office and local business office for each of its districts.

10. PG&E conspicuously posts at each of its business offices the following notice:

"Information
on
PGandE Rates and Rules for Service
Our rates and rules for service,
which are filed with and authorized
by the Public Utilities Commission
of the State of California,
are available for inspection
in this office.

We shall be pleased to furnish any information you may desire.

Pacific Gas and Electric Company"

11. As a matter of business practice, PG&E will answer telephone inquiries from any customer regarding the details of the customer's bill, and will, upon request, mail a customer copies of rate schedules applicable to service rendered to him.

12. The fact that PG&E's bills do not contain a computation by blocks showing how the total charges for gas and electric service are derived is not a violation of Section 439 of the Public Utilities Code or a violation of General Order No. 96-A.

13. In Ordering Paragraph 2 of Decision No. 71575 (66 Cal. P.U.C. 419, 474) the Commission ordered The Pacific Telephone and Telegraph Company to provide detailed billing for multimesage unit charges. Even if it be assumed that the principles of the PT&T decision are in some way binding on PG&E, the practices complained of by Levine herein do not violate those principles.

Conclusion of Law

Levine is entitled to no relief in this proceeding.

ORDER

IT IS ORDERED that complainant is entitled to no relief in this proceeding, and the complaint is denied.

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

Dated at San Francisco, California, this 23rd day of NOVEMBER, 1971.

Chairman
 Commissioner
 Commissioner
 Commissioner

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.