

ORIGINAL

Decision No. 80172

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Juaneita M. Miller, Complainant

vs.

Southern California Water Company,

Defendant.

Case No. 9343
(Filed March 7, 1972)

Juaneita M. Miller, complainant.
W. V. Caveney, for defendant.

ORDER OF DISMISSAL

By the complaint herein, Juaneita M. Miller, complainant, a lawyer, alleges:

That she owns real property at 6642 and 6634 Clara Street, Bell Gardens; that the former lot is occupied by a commercial building in which complainant conducted a business under the fictitious firm name D & D Plumbing and Heating Company up to June 30, 1972 (sic); that the latter lot contains a small one bedroom frame dwelling; that in August 1969 she received a water bill for \$52.32 and upon investigation by her manager and employee, Ernest Trammell, and a representative of the water company it was found that the single toilet in the premises at the latter address was running open; and that prior to this date the water bills had averaged less than \$6.25 (two-month period).

The complainant further alleges that repairs were made on the existing toilet fixture, however, the succeeding water bills while the premises were occupied by the same tenants (through March 1970) continued to be substantially increased (average \$17.60); that during the time thereafter and until November 1, 1970, the premises were not occupied by tenants and during this period complainant had new water supply lines installed and all new plumbing fixtures were installed; that a new tenant, Lucille Lively, a widow, moved in the premises November 1, 1970, and has since and does now occupy them; that from November 1, 1970 through December 22, 1971, the water service for these premises averaged less than \$8.00 (two month period) except for the periods April 22, 1971 to June 22, 1971, (charge \$32.65) and June 22, 1971 to August 21, 1971 (charge \$16.16); that she protested upon receipt of these bills in writing, directly to the local office of the water company; that no reply or other response was made to the protest so complainant wrote to the Public Utilities Commission December 8, 1971; and that on or about January 21, 1972, the Commission informed complainant that it had investigated the complaint and determined that the charges were correct and forwarded to the utility the \$48.81 she had submitted.

The complainant further alleges that Lucille Lively, during the time since Lucille Lively has occupied the premises, had no plumbing fixtures leak, and in particular the toilet. That her use of water during April through August of 1971 was the same as months prior thereto and subsequent; that no one claiming to be an employee of defendant was ever admitted into the premises consisting of the dwelling, nor made any inquiry of her regarding water service or use; and that Mr. Ernest Trammell states that at

no time in 1971, and in particular in June, did anyone from the water company nor any other person advise him there was a toilet leaking or "running open" on the premises known as 6634 Clara, Bell Gardens. Complainant alleges that she has paid under protest \$48.81 for water service during April 22 through August 22, 1971, and billing that charge exceeded that actual usage at the subject premises in an amount of \$32.81 at the least and was charged for and paid for water service during the period April 25, 1970 through October 21, 1970, \$22.96, a period when the premises were unoccupied and during which a service charge total \$9.60 only should have been made. Complainant requests an order directing defendant to return a credit of \$46.17.

On April 3, 1972 the defendant filed an answer in which it admits receipt of \$48.81 payment for the months April 22 to August 21, 1971; the protest to the Commission; and the payment by the Commission to the defendant.

Public hearing on the complaint was held on May 12, 1972 in Los Angeles before Examiner Rogers. Evidence was presented and the matter was argued and submitted.

In general, the complainant presented evidence supporting her allegations that the toilet on the premises had leaked; that the toilet had been fixed; that Mrs. Lively moved into the premises; that no one other than complainant or complainant's agent had access to the premises; that prior to the time Mrs. Lively became a tenant thereat and after Mrs. Lively assumed possession of the premises no one other than Mrs. Lively had access to the premises; that shortly after August 5, 1971 the defendant received from complainant a letter dated August 5, 1971 in which complainant states "I have a single woman residing in this small one bedroom house; and since

last November the water bills have been average and ordinary. Now I have received a water bill for service from April 22 to June 22 for \$32.65. I have, of course, now checked all fixtures for leaks, as well as the hose bibs. My tenant assures me that she would have been aware of any leak had there been one. She was, she also informed me, very ill for approximately one month in early June and was not even able to water her yard as she had previously done in the months past." After receipt of this letter the defendant removed the complainant's meter and tested it and replaced the meter with a new one; that the meter was determined to be accurate within the requirements of this Commission's General Order No. 103.

On the record herein, we find that the meter at complainant's premises complied with the requirements of this Commission as to accuracy; that the premises were under the complainant's control; and that any excessive water usage was without fault by the defendant.

IT IS ORDERED that the complaint in Case No. 9343 is denied.

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

Dated at San Francisco, California, this 30th
day of JUNE, 1972.

William Squares J. Chairman
John P. Vukasin, Jr.
Vernon L. Sturgeon
Edo Commissioners

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