

Decision No. 82364

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GRETA M. BUTLER,

Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant.

Case No. 9547  
(Filed April 26, 1973)

Greta M. Butler, for herself, complainant.  
Joseph S. Englert, Jr., Attorney at Law,  
for defendant.

O P I N I O N

By her complaint filed April 26, 1973, Greta M. Butler alleged that defendant was providing gas and electric service to her mother's residence at 1258 - 6th Avenue, San Francisco; that the residence consisted of a five-room flat with a central heating system, hot water heater, and gas stove; that defendant has continually overcharged for services on the average of \$25 a month; that except for replacing the gas meter with a reconditioned gas meter the defendant has done nothing to correct the situation; and that the overcharges have exceeded \$1,000 in the past ten years. Complainant requests an order of the Commission requiring defendant to check the gas and electric meters for accuracy and requiring defendant to refund all overcharges.

By its answer filed May 24, 1973, defendant admits that it is supplying service to 1258 - 6th Avenue, San Francisco; admits that it replaced a gas meter on one occasion and that it tested

within the limits prescribed for accuracy by the Commission; and denies each and all of the remaining allegations in the complaint. Defendant requests that the complaint be dismissed for failing to state a cause of action.

Public hearing was held before Examiner Daly on September 17, 1973 and November 28, 1973 at San Francisco and was submitted on the latter date.

The record indicates that from October 1969 to August 1973 complainant's combined gas and electric bills have ranged from \$13 a month to \$38 a month and have averaged approximately \$20 a month; that defendant has checked the gas and electric meters in question on three occasions, December 1, 1970, May 10, 1971, and September 10, 1973, and in each instance found them operating properly; that during the September check the meters were removed from the premises and were taken to defendant's meter shops where they were thoroughly tested; and that according to the testimony of each of the defendant's foremen, the results of the tests, as set forth in Exhibits 5 and 6, were well within the limits for accuracy as prescribed by the Commission.

After consideration the Commission finds that:

1. Defendant is a public utility providing gas and electric services pursuant to published tariffs on file with this Commission.
2. Defendant is providing gas and electric services to 1253 - 6th Avenue, San Francisco.
3. In response to complaints of high gas and electric bills, defendant checked the gas and electric meters in question on three occasions and in each instance the meters were operating within limits for accuracy prescribed by this Commission.

The Commission concludes that complainant's request for a refund in the amount of \$1,000 should be denied.

O R D E R

IT IS ORDERED that the relief requested is denied.

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

Dated at San Francisco, California, this 22<sup>nd</sup>  
day of JANUARY, 1974.

Verano L. Sturgeon  
President  
William Syron Jr.  
Richard L.  
Walter  
Sandoz  
Commissioners