

Decision No. 83982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MR. AND MRS. BRUCE C. YOUNG,
Complainant,

vs.

SOUTHERN CALIFORNIA WATER COMPANY,
Defendant.

Case No. 9782
(Filed August 20, 1974)

Mr. and Mrs. Bruce C. Young,
for themselves.

W. F. Caveney, Senior Vice
President, for Southern
California Water Company,
defendant.

R. M. Mann, for the Commission staff.

O P I N I O N

This is a complaint filed by Mr. and Mrs. Bruce C. Young of Los Angeles (Young) against Southern California Water Company (Company) for alleged overcharges for water furnished by the company to Young at Young's cabin in Big Bear Lake, California.

This complaint was heard before Examiner Blecher in Los Angeles on November 18, 1974, and concerned the billing period ending April 8, 1974. At the hearing an additional complaint was made concerning the billing period ending August 5, 1974. Since the defendant was aware of the later complaint, and to avoid multiple hearings, and the expenditure of additional time and effort by all involved, evidence concerning this complaint was received, though no formal pleading was filed.

The evidence adduced the following: Young has used a cabin at Big Bear Lake since May 12, 1973. The company furnished water to Young and issued bills bimonthly. From the beginning of water service to the bill commencing February 6, 1974, there had

been no usage in excess of 400 cubic feet per billing period.^{1/} There was no reading for the billing period ending February 6, 1974 as the meter was snowed in. The bill ending April 8, 1974 showed usage of 58 Ccf with a reading of 549 Ccf. Upon its receipt, Young checked all water sources and valves in the cabin and found no leak. Young wrote the company and complained of the size of the bill. The company then sent a serviceman to the cabin on April 28, 1974. His report indicated there were no leaks, everything appeared normal, the reading was 551, indicating that 2 Ccf had registered on the meter since April 8, 1974, and the meter was not moving when he was there (indicating no leaking at that time). The results of this investigation were sent to Young. On June 1, 1974, the meter, which had then been in place for one month short of 20 years, was removed, and a connecting pipe was installed as no meter was then available. The meter, when removed, showed a reading of 565, and was tested by the company on June 5, 1974 (not June 1, 1974), at which time its average accuracy was 94.5%, a slow reading. It was then sent for repair. A new meter was installed at the Young's cabin on June 15, 1974 (and not on June 1, 1974, as the company represented to the staff), and is still in service. The company's bill for the period April 8, 1974 to June 6, 1974 was marked "snowed in." The next bimonthly bill (period of June 6, 1974 to August 5, 1974) showed 16 Ccf usage on the old meter and 36 Ccf on the new meter, a total of 52 Ccf. This bill caused the latest complaint by Young. On September 30, 1974 the company's district superintendent inspected the premises and advised Young that

^{1/} Average monthly use of meter since put in ground in July 1954 beginning at zero setting was 2.1 Ccf.

there was a leak which for some unknown period of time resulted in a waste of water when the stop and waste valve was in the off position with a loss of one cubic foot of water every 10 minutes. At the hearing, this witness testified that he had misread the dial, and the loss was actually .1 cubic foot of water every 10 minutes or .6 per hour. The next billing period ended October 7, 1974 and the bill showed a usage of 4 Ccf for that period. The district superintendent had been at the cabin on September 28, 1974 and couldn't find any leaks or other cause for the problem. Young never knew of the existence of the leak, nor saw any evidence of it until advised by the company, though Young used the allegedly leaking valve to turn the cabin water on and off on each occasion it was done. Young then attempted to stem the leak. The minimum bimonthly tariff of the company at the times in question was \$7.70. The company's policy as to adjustments of high bill complaints is as follows: If the meter is at fault, the bill is adjusted; if the meter is not at fault, an adjustment of 50% for one billing period is made provided that the customer repairs the leak; no other adjustments are made. The prior use of the cabin by Young was as follows during the pertinent billing periods:

2-6-74 to 4--8-74 = 8 days
4-8-74 to 6--6-74 = 17 measurable days^{2/}
6-6-74 to 8--5-74 = 10 measurable days
8-5-74 to 10-7-74 = 16 days

2/ No meter in cabin from June 1 to June 15, 1974.

In table form the pertinent bill information is:

<u>Period</u>	<u>Meter</u>		<u>Usage</u>	<u>Amount</u>
	<u>Previous</u>	<u>Current</u>	<u>(Ccf)</u>	
12-6-73 - 2-6-74	491	491	Snowed In	\$ 3.82 (cr.) ^{3/}
2-6-74 - 4-8-74	491	549	58	29.72
4-8-74 - 6-6-74	549	549	Snowed In	7.70
6-6-74 - 8-5-74	549	565 ^{4/}	16	
	0	036 ^{5/}	36	30.86
8-5-74 - 10-7-74	036	040	4	7.90

Young deposited \$38.56 in an escrow account to cover the alleged net balance due.

Discussion

The company witnesses ventured their opinion that the leaking stop and waste valve in the off position was the cause of both large bills in question. Yet the company's district superintendent stated he wasn't sure when the valve was in the off position, though he was still able to arrive at the conclusions set out in his memorandum of September 30, 1974 and letter of October 2, 1974 (Exhibits 8 and 6 respectively). Neither party found any leakage after the April 8, 1974 bill. The company's service man found no meter movement, with everything appearing normal and a reading of 2 Ccf in a 20-day period (slightly more than average usage). The meter, in ground for 239 months, was found defective, though reading slow at the time of testing on

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- ^{3/} Balance due Young due to earlier nonrelated adjustments.
^{4/} Old meter reading when removed June 1, 1974.
^{5/} New meter installed June 15, 1974 and set at zero.

June 5, 1974. The cabin usage during this period was average. Though we do not and cannot know the specific cause of the original high reading, we can and do conclude that it was not due to above average usage or leakage, as we find the on-site inspections more persuasive than the opinions of the company's witnesses, neither of whom was on-site at this time. Allowing the high meter reading to stand would mean usage was increased sevenfold,^{6/} which is neither supported by the evidence nor equitable. Thus, applying the company's promulgated policy on high bill adjustments, Young should be credited for 50 percent of the amount paid. To be fair to the company, it should be credited with the applicable minimum tariff of \$7.70 per period, for the periods ending February 6 and April 8, 1974. Since the minimum for the period ending February 6, 1974 has already been paid, the company is entitled to a credit of \$7.70. The credit due Young for this period is \$11.01 computed as follows: \$29.72 paid less \$7.70 + 2 = \$11.01.

As to the second complaint (period of June 6, 1974 to August 5, 1974), Young was billed for 52 Ccf for the period commencing April 8, 1974 (as bill for June 6, 1974 period was marked "snowed in"). Young used the cabin for 27 measurable days, about 50% more than average. Though this would account for a large increase in usage, it would still not account for the high reading, particularly when a leak was discovered about one week prior to the end of the next billing period, October 7, 1974. The bill for this latter period again showed 4 Ccf usage. This bill was not explained, in view of the 15-day occupancy during this period (about double the prior average). Thus, we conclude that the leakage contributed to this second high bill. Again, applying the company's policy amended as indicated above by crediting the minimum tariff to the company, we conclude that Young is entitled to a credit of \$11.58 for the period ending August 5, 1974. Thus, Young is entitled to a total credit of \$22.59.

^{6/} 58 Ccf ÷ 4 months = 14.5 Ccf per month, compared to 2.1 Ccf monthly average.

It should be noted that the company's interoffice communications and record keeping leave much to be desired. We suggest that these procedures be improved so that future misstatements shall be avoided.

Findings

1. The high bill for the period ending April 8, 1974 was not due to leakage or above average occupancy at the Young cabin.

2. The company's meter, removed from the Young cabin on June 1, 1974, was defective, and was repaired.

3. The bill for the period ending August 5, 1974 was due primarily to a leaking stop and waste valve at the Young cabin.

4. The company's policy as to high bill adjustments as set out above, is equitable, and should be applied to the complaints herein.

Conclusions

1. Young is entitled to a credit from the Company in the sum of \$22.59 for the billing periods ending April 8, 1974 and August 5, 1974, as set forth above.

2. This credit should be shown on the next bill of the company and any balance due from either party to the other should be paid immediately.

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O R D E R

IT IS ORDERED that Southern California Water Company credit the account of Bruce C. Young, service No. 26121512142001, in the sum of \$22.59, said credit to be reflected in the earliest possible billing.

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

Dated at San Francisco, California, this 11th
day of JANUARY, 1975.

Vernon L. Stevenson
President
William J. Quinn
Stadler

Commissioners