

Decision 84 05 014

MAY 2 1984

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MELVYN ABRAMOVITCH,  
JEANNE MOUNT,

Complainants,

vs.

SOUTHERN CALIFORNIA GAS  
COMPANY,

Defendant.

(ECP)<sup>1/</sup>  
Case 83-11-04  
(Filed November 15, 1983)

Melvyn Abramovich and Jeanne Mount,  
for themselves, complainants.  
Robert B. Puckett, for defendant.

O P I N I O N

Summary of Complaint

Complainants Melvyn Abramovitch and Jeanne Mount seek a \$750 billing refund from defendant Southern California Gas Company (SCG) to adjust excessive gas bills for their apartment building for the months of May and June 1983.

Complainants bought a 16-unit apartment building at 1537 Corinth Avenue, Los Angeles, in December 1982. They originally provided all gas used by their tenants. Complainants allege that they relied on SCG's expertise for proper servicing

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1/ After consultation with the parties, Administrative Law Judge Levander issued a ruling reclassifying this proceeding as an Expedited Complaint Procedure (ECP) complaint under Rule 13.2 of our Rules of Practice and Procedure.

of gas lines and gas-using equipment in in their building; SCG advised them that during the first four months they owned the building, their gas use was moderate and in line with the prior year's use; in May and June 1983 they anticipated declines in gas use for their building due to warmer weather; instead, their gas use increased by 100%; and between December 1982 and June 1983 SCG conducted two investigations of their building and SCG found nothing wrong except for a few leaking faucets to explain their high bills. In July 1983 complainants hired a contractor to change the gas plumbing in their building from a centrally metered gas system to a system containing individual meters for each apartment.

Complainants allege their contractor was advised of gas leaks in their building by a SCG representative; since SCG was aware of gas leaks in their building, SCG was negligent in failing to inform them of those leaks to enable them to make timely repairs; therefore, SCG should be held liable for above normal May and June 1983 billings to complainants in the form of a \$750 refund.

Attached to the complaint are copies of complainants' letters dated July 13, 1983 and September 3, 1983 to the Commission's Consumer Affairs Branch concerning this dispute. These letters contain three possible bases for their high bills, namely someone was illegally tapping into their gas line, there is a very large gas leak somewhere in their building, or SCG made a gross error. However, complainants did not dispute the accuracy of SCG's meter readings. But they questioned the adequacy of SCG's inspections.

Summary of Answer to Complaint

SCG denies that it had knowledge of any gas leaks in complainants' apartment building; that any SCG employee told Abramovitch's contractor there were gas leaks in the building; or that it withheld any relevant information from complaints concerning any alleged house line leakage.

SCG admits its field service representatives (FSR) conducted investigations of complainants' building on February 18, 1983 and on June 21, 1983.

On February 18, 1983 a FSR clock-tested the gas meter for complainants' building and found no leaks. The clock-testing procedure involves shutting off all gas appliances, including pilot lights, and observing the test hand on the gas meter with the line valve open. The test showed no movement on the test hand of the meter register which shows there were no gas leaks beyond SCG's meter at household pressure. However, the FSR found several substantial hot water faucet leaks in apartments and found space heaters left on in unoccupied apartments. Furthermore, the FSR left a Notice of Unsatisfactory Conditions because complainants' 73-gallon water heater was not venting properly. The water heater was left off.

On June 21, 1983 a FSR conducted another clock-testing procedure and found no leaks. But he found hot water faucets leaking in two units. At that time the FSR removed the gas meter for testing. Abramovitch declined to witness SCG's June 29, 1983 test of the meter. The test established that the meter was registering within the Commission's guidelines.

SCG alleges that complainants were billed only for the gas actually consumed in their building and requests that the complaint be dismissed. SCG's June 7, 1983 billing to complainants was for \$682. Its July 7, 1983 billing was for \$661.12.

Hearing

After notice a public hearing was held in Los Angeles on January 10, 1984 and submitted on that date. Abramovitch and Mount testified for themselves. Robert B. Puckett, a tariff analyst, testified for SCG.

Complainants' Evidence

Mount testified that a SCG representative said complainants' bills may have been mixed up with those of other buildings. She denied that the FSR tested their gas lines, although she admitted the FSR did shut off service to the building. Abramovitch reiterated that meter readings were not at issue; SoCal had a legal obligation to report its findings of gas leaks so that complainants could eliminate those leaks, but it did not do so. He further testified that the apartment gas lines are now in proper condition; as the result of the conversion of the gas system in their building, complainants pay all water heating bills for the entire building and their tenants pay for gas used in their apartments for cooking and heating. Exhibit 1 consists of two letters. The first letter dated July 1, 1983 is from Wilpac Plumbing, Inc. (Wilpac) to Abramovitch containing Wilpac's bid for materials and labor to install gas piping to each of the 16 units in complainants' building. The letter contains a stamp showing Wilpac's name and its printed address and telephone number. The letter is signed by A. S. Pacini, secretary. The second letter dated October 21, 1983, addressed

to the Commission by Charlie Lapham, Jr., contains no company identification or address. This letter states:

"I was the supervising employee for Wilpac for the gas meter conversion at 1537 Corinth Avenue, Los Angeles, California.

"On or about August 1, 1983, I was informed by a representative of Southern California Gas Company that there were gas leaks in the building at 1537 Corinth Avenue, and on subsequent testing of the gas lines, I did find a number of leaks.

"These leaks were repaired as part of this meter conversion project.

"The leaks occurred in existing gas lines within the building. Upon testing this gas system, these leaks were found. Subsequently, these leaks were corrected by me because some existing gas risers were used in the conversion of this system."

Exhibit 2 is a bill analysis supplied to complainants by SCG showing complainants' recorded gas use during 1983.

SCG's Evidence

Puckett testified on four exhibits. Exhibit 3 is a bill analysis for the service to complainants' building from January 8, 1982 through December 7, 1983, which includes the use for the building for the year before complainants purchased the building as well as the use paid for by complainants. A copy of Exhibit 3 is shown as Attachment A to this decision. Exhibit 4 is a copy of a FSR's February 18, 1983 investigation of complainants' high bill inquiry concerning their February 1983 bill. The report contains the following remarks: some heating units were on, with no one at home; two suspect range connectors were removed; three hot water leaks going good; some

of the ranges in the building need adjusting; customer (Abramovitch) was advised to call SCG again for adjustments since there was not time to make the adjustments at that time; and customer claims the bills were out of line with those for the rest of the year. This report also notes that the water heater was not venting and was left off. The duration of the FSR visit was 3 hours and 15 minutes. Exhibit 5 is a FSR high bill investigation report for an inspection of complainants' building on June 21, 1983. The duration of that test was 2 hours and 50 minutes. The FSR report notes that kitchen faucets in two units were leaking hot water. Both Exhibits 4 and 5 show that clock tests were conducted. There was no flow recorded during either test. Exhibit 6 is the flow test on the meter removed from complainants' building and tested on June 29, 1983. No correction was required for this meter. Puckett testified that he discussed Exhibits 4 and 5 with the FSRs. One FSR said the hot water leaks observed during the February inspection were as thick as pencils and the improperly venting water heater was operating continuously. The other FSR said the leaks observed in June were thicker than pencils.

Puckett testified that he called Wilpac and asked to speak to the "head man" for information on leaks found in complainants' gas system; Pacini, the "head man", told him that after repiping complainants' gas system Wilpac had to pass a City of Los Angeles plumbing department inspection, which included a test of the gas piping at a pressure of 10 to 15 pounds per square inch (psi); at the higher test pressures slight leakage was detected in complainants' piping.

Puckett further testified that Wilpac's detection of leaks at high pressures would not occur at normal pressures; SCG observed no gas leaks at normal operating pressures; SCG is aware of its safety responsibilities and of its potential liabilities if it ignored gas leaks; SCG's normal procedure calls for immediate notification of customers if leaks are found on an inspection.

Discussion

Complainants' case hinges on their allegation that SCG did not advise them of leaks discovered in its inspections of their building. The hearsay evidence concerning conversations with and correspondence from Wilpac employees is contradictory. But the reports on SCG's extensive field investigations and clock tests show no evidence of gas leaks in complainants' building at normal operating pressure. SCG is required to provide gas at regulated delivery pressure, above atmospheric pressure (gauge pressure), sufficient to displace a column of water eight inches in height. This gauge delivery pressure is 0.288 psi. Any leaks detected during Wilpac's plumbing tests at 10 to 15 psi gauge are not indicative of leaks which could be detected at SCG's normal delivery pressure.

Furthermore, while complainants attribute their high bills to gas leaks, they did not mention noticing gas odors in their testimony. The odor of a blown-out range pilot light is readily detectable. Such pilots use from a fraction of a therm to less than two therms per month. If complainants were entitled to a \$750 refund, there would have been undetected leaks in complainants' building of several hundred therms per month for the months ending June 7, 1983 and July 7, 1983 (Attachment A

shows billings for 1,010 therms and for 952 therms for those months). Leaks of that magnitude would promote calls from complainants or their tenants to SCG to prevent a gas explosion.

Complainants did not sustain their burden of proof to demonstrate any of the following contentions: high bills for the months ending June 7 and July 7, 1983 are due to gas leaks; SCG was aware of gas leaks in their building and failed to notify them of those leaks; there were unauthorized diversions of gas from their system; SCG made major errors in its billing. Complainants' bills are based on sequential readings of an accurately functioning gas meter (prior to the time the meter was changed for testing after their second high bill complaint (see Attachment A)). The drop-off of readings occurred after a second meter change and after complainants completed the conversion of their gas system from a master meter to a central facility in which complainants paid for gas used for water heating and their tenants paid for gas use within their apartments.

The high gas consumption experienced by complainants is not due to any actions or omissions by SCG. Therefore, we will not order SCG to pay any portion of the \$750 refund sought by complainants.



O R D E R

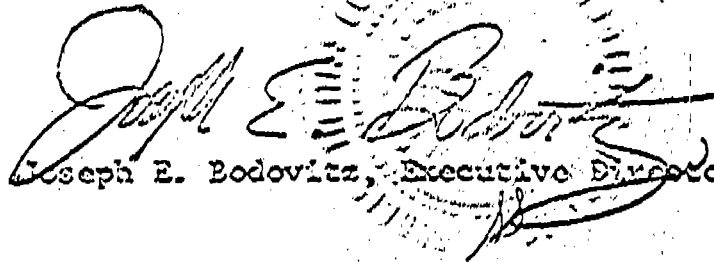
IT IS ORDERED that the complaint of Melvyn Abramovitch and Jeanne Mount requesting a \$750 gas bill refund from Southern California Gas Company is denied.

This order becomes effective 30 days from today.

Dated MAY 2 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Joseph E. Bodovitz, Executive Director

## ATTACHMENT A

I.C. 832-01733  
 Melvyn Abramovitch  
 1537 Corinth Avenue  
 Los Angeles, CA 90025  
 05-2555-156-485-38

<u>Billing Date</u>	<u>Meter Read</u>	<u>Ccf</u>	<u>Billing Factor</u>	<u>Therms</u>	<u>Amount</u>
1/08/82	3351				
2/08/82	3997	646	1.072	695	209.26
3/10/82	4567	570	1.078	614	185.68
4/08/82	5225	658	1.075	707	213.32
5/07/82	5747	522	1.071	559	180.14
6/08/82	6428	681	1.072	730	243.62
7/08/82	6832	404	1.073	433	175.70
8/06/82	7136	306	1.067	327	119.96
9/07/82	7454	316	1.072	339	125.06
10/06/82	7776	322	1.068	346	127.79
11/05/82	8254	476	1.071	512	140.25
12/08/82	8767	513	1.073	550	237.03
12/31/82	9212	445	1.073	477	209.24
12/31/82	9212	DATE SERVICE STARTED			
2/07/83	0130	924	1.074	992	443.98
3/09/83	0610	674	1.082	722	322.95
4/07/83	1303	493	1.064	525	270.04
5/06/83	1885	582	1.069	622	291.32
6/07/83	2826	941	1.073	1010	682.00
6/21/83	3259/0001 METER CHANGED RE HIGH BILL COMPLAINT				
7/07/83	0455	887	1.073	952	666.12
8/03/83	875/0000 METER CHANGED *				
8/05/83	0018	433	1.069	468	301.77
9/06/83	0299	281	1.069	300	169.06
10/05/83	0553	254	1.063	270	145.39
11/04/83	0904	351	1.055	370	224.50
12/07/83	1143	239	1.052	251	131.65

\* CONVERSION FROM MASTER METER TO CENTRAL FACILITY

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