

ALJ/emk/jt

Decision 84 12 017

NOV 7 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

M. Simms, AAA Medical Clinic,

Complainant,

vs.

So. Cal Gas Co.,

Defendant.

(ECP)

Case 84-03-13

(Filed March 29, 1984)

M. Simms, for himself, complainant.
Robert F. de Leon, for defendant.

O P I N I O N

Summary of Complaint

Complainant, M. Simms, doing business as AAA Medical Clinic (Sims), objects to the magnitude of the gas bills he receives from Southern California Gas Company (SCG) for service to a medical clinic he owns. He requests a refund of the amounts he paid for gas service plus interest at 13% per month^{1/} and a new gas meter or an investigation of the basis of the amounts billed because SCG's meter reader does not come into the building served. The complaint alleges that two water heaters were the only gas appliances supplied through the gas meter, but Sims' monthly gas bills have been over \$150 per month for three years.

Simms further alleges that gas bills for his home have not been near \$150 per month; the gas appliances at his home are a stove, an oven, a pool heater, two 50-gallon water heaters, three gas heaters, and a barbeque.

^{1/} Simms is aware that Rule 13.2 of our Rules of Practice and Procedure sets a cap on possible refunds. Under Section 1702.1 of the Public Utilities Code this cap is set at \$1,500.00.

Summary of Answer to Complaint

In its answer to the complaint, SCG alleges that:

1. Its gas meter supplying Simms' clinic is connected to two 40-gallon water heaters, each with a rating of 44,000 British thermal units per hour (Btu/hr), and two thermostatically controlled forced air-heating units, each with a rating of 125,000 Btu/hr.
2. On October 3, 1983, it conducted an investigation at the clinic which confirmed that its prior meter reading at that service was not erroneously high; there were no leaks in the customer's gas lines or in SCG's facilities.
3. It changed the meter serving the clinic to test the accuracy of the removed meter; the test showed that the meter registered within the accuracy limits prescribed by the Commission.
4. Its personnel can read the meter for the clinic without coming into the building.
5. Its billings to Simms were for gas actually used at applicable rates based on accurate readings with one exception, which was corrected.
6. It denies the allegations in the complaint concerning the magnitude of its bills for service to the clinic and to Simms' residence.

Attachments 1 and 3 to the answer to the complaint summarize billing information for the clinic and for Simms' home.

Hearing

After notice, a hearing was held in Los Angeles before Administrative Law Judge Levander. The matter was submitted on the day of hearing. Simms testified for himself. Robert F. de Leon testified for SCG.

Need for Access to Meter

Simms testified that the meter was behind a high fence behind the clinic; the meter could not be read without entry through the clinic without binoculars or a periscope. He submitted four photographs, two showing a portion of the rear fence of the clinic and two showing the fronts of two gas meters. One meter serves his medical clinic, the other serves a dental office. Photos of the meters were taken through a curved slot in the high fence gate behind the clinic. The resolution of the photographs is not sufficient to read the meters. In response, de Leon testified that SCG's meter readers could read the meters through the fence.

Simms is correct in his observation that many watches could not be read at the 16-foot 2-inch distance between the fence and the clinic meter. For purposes of ornamentation, many watches do not have highlighted reading hands. In contrast, dials on gas meters are bulky and dark; the dials are placed in front of light plates to provide contrasts to permit reading from distant locations. The meter for Simms' clinic can be read from behind the clinic fence. Furthermore, the October 3, 1983 reading taken by SCG personnel, prior to their removal of the meter for testing, is in line with a regular meter reading on September 16, 1983.

Billings

SCG's billings for 29 months of service to the clinic total \$2,793.90, an average of \$96.34 per month.^{2/} This amount includes a correction for a meter reading error (described below). The comparable billings for service to Simms' residence total \$3,364.47, an average of \$116.02.

On August 17, 1983, SCG recorded a consumption of 13 hundred cubic feet (Ccf) of gas with a heating value of 14 therms.^{3/} The September 16, 1983 reading was 209 Ccf with a heating value of 219 therms; that reading triggered a high bill inquiry of SCG by Simms. Apparently SCG's meter reader underread the clinic meter on the earlier reading. SCG's corrected billings reflect adjusted consumptions of 111 Ccf per month for the August and September billings which result in a \$3.69 credit. Simms refused an offer of a \$64.81 bill reduction to adjust the September billing to the lowest level of consumption for a comparable period.

Gas Use

Simms testified that the clinic was occupied by one doctor during normal weekday hours. The doctor used circulating hot water (heated to 120 degrees Fahrenheit (°F.) during the day. The water is heated in two coupled hot water tanks with capacities of 40 gallons and 20 gallons. That use would not account for the size of his gas bills for the clinic.

^{2/} If billings for eight months of prior use at the clinic were considered, the total increases to \$3,207.14. but the average billing decreases to \$86.68 per month.

^{3/} One therm equals 100,000 Btus.

In response, de Leon testified that on two occasions, SCG made extensive investigations of the gas system serving the clinic; on both occasions no leak was detected in its equipment or in the customer piping for the clinic. In the initial investigation, SCG changed the meter serving the clinic and tested the removed meter and the test showed the meter was recording within Commission-prescribed standards. The appliances for the clinic include two water heaters with a combined rating of 88,000 Btu/hr^{4/} and two 125,000 Btu/hr central heating and air-conditioning units and a field investigation report showed the heater-air-conditioner thermostat was set at 70° F. The serviceman suggested installation of a timer to reduce gas use at the clinic.

Discussion

The burden of proof in a complaint is on the complainant and he has shown no basis for adjusting Simms' bills. SCG's billings are based upon readings through a meter meeting the Commission's standards for accuracy and, as noted above, meter readings can be made through the slot in the fence behind the clinic. Gas consumption at Simms' home is not relevant to the resolution of this complaint, nor is a refused prior settlement offer of \$64.81 made to resolve the dispute on the September 16, 1983 billing. The reapportionment of consumption for August and September 1983, adopted by SCG, is reasonable.

Operating continuously, two water heaters with a combined rating of 88,000 Btu/hr could consume approximately 634 therms in a 30-day billing period. The highest monthly use at the clinic was 296 therms for the billing period ending

4/ de Leon erroneously assumed the two tanks were 40 gallons each based on the total Btu rating for the tanks.

December 20, 1982. However, if the water heaters were the only gas appliances used for the clinic, we would require additional information to explain a use that large for a medical clinic occupancy. But Simms ignores his gas consumption for heating and air-conditioning the clinic. It appears that installation of a timer to avoid unnecessary heating and cooling of the clinic during nonbusiness hours could reduce gas bills for that service.

O R D E R

IT IS ORDERED that the relief requested in Case 84-03-13 is denied.

This order becomes effective 30 days from today.

Dated NOV 7 1984, at San Francisco, California.

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph A. Sedovitz, Executive Director