

ORIGINAL

Decision 87 11 055 NOV 25 1987

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Richard A. Coury,)
)
 Complainant,)
)
 vs.)
)
 Southern California Gas Company,)
)
 Defendant.)

Case 87-08-018
(Filed August 10, 1987)

Richard A. Coury, for himself, complainant.
Peter N. Osborn, Attorney at Law, for Southern
 California Gas Company, defendant.

OPINION

Complainant Richard A. Coury (Coury) disputes gas billings by defendant Southern California Gas Company (SoCal) for the period from the beginning of 1982 through May 1987, based on his contention that gas leakage occurred during that period and that SoCal is responsible for the leakage. Coury first contacted SoCal about 4 or 5 years ago when he detected a gas odor possibly caused by a leak. At that time he requested SoCal to come out to his residence. SoCal inspected the gas facilities, but found no leaks. Then in April 1987 Coury detected a severe gas odor, again called SoCal who found a large leak and notified Coury of it.

Coury claims that SoCal is, therefore, responsible for excess gas usage due to leakage over the period from the initial call to SoCal to the time of finding the leak in 1987.

At the hearing on October 14, 1987, Coury testified that he believes that SoCal bears responsibility for gas leakage due to the fact that it inspected his gas facilities about 4 or 5 years ago and did not find a leak. Coury believes that the leak must

have been present and growing from that time to its discovery by SoCal in April 1987. He believes that in this case SoCal's responsibility covers the leak whether it would otherwise be his or SoCal's responsibility.

Coury presented three exhibits consisting of two tables and one chart. Exhibit 1 is a summary of his monthly gas usage from May 1979 through October 1987.

Exhibit 1 shows gas usage as follows:

<u>Gas Usage-Yearly Average - CCF/month</u>								
<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
154	163	120	140	155	165	184	192	299
(7 mo.)								(5 mo.)

The corresponding increase in usage year to year from 1981 is:

16.7% 10.7% 6.5% 11.5% 4.3% 55.7%

Coury states that he used 1981 as the base or normal year to determine the amount of gas leakage he alleges, not because it was the lowest usage year, but because it is most representative. He states that the partial year 1979, and full year 1980 are not representative since he and his family had just moved to California in July 1979 and were not using gas wisely until they became used to California; this ostensibly occurred by 1981. Coury believes that the slowly but steadily increasing usage from 1981 to 1987 is due to increasing leakage under the premise that over time leaks tend to increase and not decrease.

Exhibit 2 is a graphical representation of historical gas usage.

Exhibit 3 shows Coury's calculations leading to an estimated valuation of gas lost due to leakage of \$3,137.12 for the 5-year, 5-month period from January 1982 through May 1987. This is the amount Coury requests that SoCal refund to him.

SoCal presented Exhibit 4 consisting of six parts, labeled A through F. Parts A, B, C, and D are copies of service records for the Coury residence, Part E lists usage and billing amounts from January 6, 1982 to May 5, 1987, while Part F is a copy of SoCal (Tariff) Rule No. 26. SoCal sponsored two witnesses, Randal Lindenberg (Lindenberg) and Skipper Raymond Long (Long). Lindenberg testified regarding service records and service calls to the Coury residence. The calls were to both check for leaks and to do a high bill investigation; the latter involves testing all the customer's equipment and obtaining information including BTU rating for the gas equipment. During a service call to the Coury residence on April 27, 1987, Lindenberg found a swimming pool line valve leaking slightly, which he corrected by tightening it to eliminate the leak. However, after that repair, a "clock test" determined that a leak of 30 cubic feet of gas per hour existed. The clock test measures flow with all gas appliances off, so no flow indicates no leakage exists; if leakage is present, the test measures the amount of leakage over time. Lindenberg then shut off the isolation valve to the pool line and again performed a clock test on the remainder of the system. That test resulted in no leakage, indicating that the house lines and appliances were not leaking. Lindenberg notified Coury of the leak, had him sign a Form 1813 acknowledging the fact, and restored to service the gas appliances in the house.

SoCal Witness Long testified that he searched company records back through 1981 and found no record of a service call for a leak which Coury alleged to have made 4 or 5 years ago.

Discussion

Coury's case is based on two assumptions, first that SoCal is responsible for leaks beyond the meter, and second that leakage occurred in increasing amounts over a 5-year period. Regarding the first premise, Commission General Order (GO) 58-A, Sec. 34, states:

"(a) Each gas utility, ... shall operate and maintain in safe, efficient, and proper condition all of the facilities and instrumentalities used in connection with the furnishing, regulation, measurement, and delivery of gas to any customer up to and including the point of delivery, which point, for the purpose of these rules, shall be deemed to be the outlet fitting of the meter installed by the utility.

"(b) Each gas utility, unless specifically relieved in any case by the Commission from such obligation, upon request of any customer and without extra charge, shall make an inspection of appliances in use by the customer, ..."

Coury's claim that SoCal inspected his premises about 4 or 5 years ago is not substantiated by SoCal's records. His claim that leakage must have been present at that time, although of lesser magnitude than the 30 CCF/hour discovered recently, is not supported by the evidence. However, even if leakage were present over the period as alleged by Coury, SoCal is not responsible for crediting the value of the gas leaked, since the leakage in question was beyond the meter outlet fitting and thus clearly Coury's responsibility, per GO 58-A.

In addition, Coury's contention that his usage increased exponentially from 1980 or 1981 is not borne out by the recorded usage as demonstrated in the summary of Exhibit 1 above. For example, increased usage year to year ranged from 16.7% to 4.3% between 1981 and 1986, with an average increase of about 10% per year. We note that the 1981 usage was significantly lower than the two prior years, and that 1983 and 1984 usage levels were close to the levels for 1979 and 1980. However, for the same reasons as discussed above, GO 58-A also makes this issue irrelevant.

Complainant has not shown that the utility failed to do something required of it by law, rule, or Commission order. The complaint lacks merit and, therefore, should be dismissed.

Findings of Fact

1. Coury filed a complaint seeking refund of \$3,137.12 for gas alleged to have leaked over a 5-year, 5-month period from the beginning of 1982 through May 1987.
2. Coury contends that SoCal inspected his gas facilities about 4 or 5 years ago and found no leaks.
3. SoCal inspected Coury's gas facilities at Coury's request on April 27, 1987, and discovered a leak in the swimming pool line of 30 CCF/hour.
4. The leak was beyond the meter outlet fitting on the customer's side.
5. GO 58-A provides that facilities beyond the meter outlet fitting are not the responsibility of the utility.

Conclusions of Law

1. SoCal has operated properly in accordance with Commission GO 58-A.
2. Complainant Coury is not entitled to any refund.
3. This complaint should be denied.

ORDER

IT IS ORDERED that Case 87-08-018 is dismissed.
This order becomes effective 30 days from today.
Dated NOV 25 1987, at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
JOHN B. OHANIAN
Commissioners

Commissioner G. Mitchell Willk being necessarily absent, did not participate.

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


Victor Weisser, Executive Director