

Decision 88 01 049 JAN 28 1988

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOYCE RICE,

Complainant,

vs.

SOUTHERN CALIFORNIA GAS COMPANY,

Defendant.

(ECP)

Case 87-10-005

(Filed October 7, 1987)

Joyce Rice, for herself, complainant.

Robert B. Puckett, for Southern California  
Gas Company, defendant.

OPINION

This is a complaint by Joyce Rice (Rice) against Southern California Gas Company (SoCal). Rice contends that her bill for December, 1986 of \$307.71 was outrageously high. She seeks an order limiting the bill to an amount not more than \$150 and reparations for the balance paid.

A duly noticed hearing under the Commission's expedited complaint procedure (P.U. Code § 1702.1; Rule 13.2) was held before Administrative Law Judge Donald B. Jarvis in Los Angeles on December 4, 1987, and the matter was submitted on that date.

Rice testified that, because of the high cost of gas, she keeps her forced air central gas heating thermostat control at 70° or less. Her house is always cold. During December of 1986 she worked 7 days a week. The heat was only turned on from 5:30-6:00 p.m. to 10:00 p.m. She ate out most of the time and rarely cooked. Her daughter, who was home at the time, also worked and was out of the house most evenings.

Rice's house has 1,486 square feet. It has 3 bedrooms, a living room, dining room, kitchen and 1-3/4 bathrooms. The house is made of stucco. It has no insulation.

Rice called two witnesses who testified that they had been in her home on numerous occasions and always found it to be cold. One witness testified that her house has 4,666 square feet and her gas bills are less than Rice's. However the witness' house is insulated.

When Rice received the December, 1986 bill she complained to SoCal. After an internal investigation, SoCal informed Rice that the bill was correct and declined to make any adjustment. Rice next filed an informal complaint with the Commission which was not resolved to her satisfaction. This complaint ensued. During the period of controversy, Rice paid the entire bill under threat of disconnection by SoCal.

SoCal presented the following evidence. After Rice's complaint it removed and tested the meter which was on the premises in December, 1986. The test showed the meter to be operating properly within the limits of accuracy established by this Commission. A SoCal representative conducted an investigation and energy conservation audit with Rice present. The investigation disclosed that all of Rice's gas appliances were in working condition and there were no gas leaks. These appliances had a combined BTU rating of 270,000. The air intake for the furnace is located outside the house. On a cold day it is necessary for the furnace to heat colder, outside air. Rice has a fireplace with no damper, which permits the escape of warm air.

The SoCal representative testified that Rice's house has an east-west orientation and is located behind a hill. The house only gets sun in the late afternoon. The representative also testified that the thermostat for Rice's furnace does not have a positive on-off switch. Thus, even if the thermostat is set at the lowest setting of 50°, it is possible for the furnace to cut on

while Rice is not at home if the temperature goes below that setting.

SoCal introduced in evidence a statement of Rice's account for 23 months, which is as follows:

<u>Read Date</u>	<u>Meter Read</u>	<u>Ccf</u>	<u>Billing Factor</u>	<u>Therms</u>	<u>Amount</u>
10-16-87	9433	38	1.039	39	27.45
09-17-87	9395	37	1.039	38	26.00
08-18-87	9358	45	1.041	47	35.03
07-20-87	9313	39	1.038	40	28.00
06-19-87	9274	60	1.036	62	48.77
05-20-87	9214	48	1.038	50	28.93
04-21-87	9166	86	1.041	90	48.30
03-24-87	9080	212	1.050	223	169.54
02-20-87	8868	202	1.050	212	161.28
02-17-87	8847	Set Read	- (meter replaced with		
02-17-87	2581	Remove Read	new one)		
01-21-87	2400	376	1.053	396	307.71
12-18-86	2024	241	1.044	252	184.02
11-17-86	1783	122	1.047	128	87.78
10-16-86	1661	56	1.046	59	43.73
09-18-86	1605	32	1.047	34	20.79
08-19-86	1573	31	1.047	32	19.35
07-21-86	1542	34	1.048	36	21.99
06-19-86	1508	35	1.052	37	23.08
05-20-86	1473	56	1.048	59	34.46
04-21-86	1417	125	1.049	131	75.84
03-21-86	1292	150	1.050	158	100.06
02-20-86	1142	195	1.049	205	137.19
01-21-86	0947	256	1.054	270	189.31
12-18-85	0691	232	1.050	244	175.61

Rice's pattern of usage appears to be consistent. Greater gas consumption in the colder months of November - March, except that the amount used in December, 1986 was higher than ever before.

In summary, the meter at Rice's premises was functioning properly. There were no leaks on the premises. Rice's gas appliances, which were in operable condition, had the capacity to consume the gas billed for Rice's house which gets little sun. It was possible for Rice's furnace to operate in her absence and without her knowledge.

As all complainants, Rice had the burden of proof in this proceeding. (Fremont Customers v PT&T (1968) 68 CPUC 203, 206.) We find that she has not met this burden. The complaint should be denied.

ORDER

IT IS ORDERED that complainant is entitled to no relief in this proceeding, and the complaint is denied.


This order becomes effective 30 days from today.

Dated JAN 28 1988, at San Francisco, California.

STANLEY W. HULETT  
President

DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

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

  
Victor Weisser, Executive Director  
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