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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Harold Joseph Hamilton,)
)
 Complainant,)
)
 vs.)
)
 Pacific Gas and Electric Company,)
)
 Defendant.)

ORIGINAL

(ECP)
Case 88-08-036
(Filed August 15, 1988)

Harold Joseph Hamilton, complainant.
Mike Weaver, for Pacific Gas and Electric
 Company, defendant.

OPINION

This expedited complaint proceeding was heard before Administrative Law Judge John Lemke on October 7, 1988 in Auburn, and was submitted at the close of hearing.

Harold J. Hamilton's complaint alleges as follows:

1. For over six years Hamilton has protested the accuracy of the monthly statements Pacific Gas and Electric Company (PG&E) has presented but has paid the bills in order to prevent the electric power supply from being discontinued at his residence in Auburn.
2. The meter measuring electricity use in Hamilton's residence was changed in May 1988. Since that time, billings have been consistent with Hamilton's own estimates of his use.
3. PG&E had recently sent a field representative to Hamilton's residence to evaluate his connected load capacity. No abnormal conditions were found.
4. The Commission's Consumer Affairs Branch requested proof of Hamilton's assertion that he was overbilled. The only proof, in

his estimation, is a graph prepared by Hamilton and included with the complaint, showing the daily use of electricity as billed by PG&E since October 1981. Hamilton believes this graph affords evidence adequate to support his claim.

5. The pattern of daily use displayed in the graph, which covers the period October 1981 to July 1988, ranges from a low of about 3 kilowatt-hours (kWh) in October 1981 to a high of about 85 kWh in April 1982. Additional "spikes" in Hamilton's graph, indicating very high electricity use, appear during the winter months in the years 1982-83, 1983-84, 1984-85, and 1987-88, during which periods PG&E billed the complainant for amounts of electricity ranging between 50 and 70 kWh per day. During the winter months of 1985-86 and 1986-87 use was between 25 and 35 kWh per day. Exhibit 1 of PG&E, set forth below, shows the complainant's electricity use on a monthly kWh basis from February 1982 through September 1988.

| | <u>1982</u> | <u>1983</u> | <u>1984</u> | <u>1985</u> | <u>1986</u> | <u>1987</u> | <u>1988</u> |
|-----------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| January | | 1,729 | 4,563 | 704 | 549 | 979 | 1,509 |
| February | 797 | 1,762 | 1,774 | 589 | 767 | 1,052 | 726 |
| March | 807 | 1,535 | 1,203 | 522 | 408 | 954 | 646 |
| April | 2,582 | 1,358 | 867 | 481 | 465 | 602 | 821 |
| May | 780 | 1,204 | 999 | 358 | 469 | 571 | 511 |
| June | 643 | 497 | 708 | 499 | 412 | 556 | 681 |
| July | 600 | 485 | 736 | 421 | 669 | 732 | 1,199 |
| August | 697 | 826 | 685 | 422 | 692 | 776 | 600 |
| September | 568 | M | 568 | 405 | 526 | 593 | 435 |
| October | 860 | 1,342 | 601 | 463 | 582 | 420 | |
| November | 1,440 | 1,524 | 1,651 | 645 | 692 | 743 | |
| December | 1,576 | M | 1,417 | 612 | 876 | 1,318 | 7,128 |

Hamilton lives with his daughter in a 1,980 square-foot residence. The total charges disputed by Hamilton amount to \$348.49, as shown in PG&E's statement of July 27, 1988, and apply to service provided during the several months prior to the date the meter was changed in May 1988. Hamilton's purpose in presenting the graph is to show that the meter was sporadically erratic during the period in which it was connected.

Hamilton's argument focuses primarily upon the irregular "spikes" which appear on his graph during the period October 1981 through the winter of 1984-1985. He believes that these extreme swings, although appearing primarily during the colder and darker parts of the years shown in the graph, do not reflect his actual use. He acknowledges that PG&E tested the meter, and that the test indicated the meter was well within the required 2% accuracy range. However, he suggests that the test was too quick, and that the meter, while functioning accurately at the moment of the test, was apparently a sporadically malfunctioning device which operated properly only part of the time. The meter was tested in April, and replaced at Hamilton's request in May 1988. Hamilton believes the new meter has correctly measured his actual use since its installation.

Charles Heisleman, PG&E's Customer Services District Supervisor, testified that he has analyzed the complainant's total situation. He determined that Hamilton is on the proper rate schedule; that even though Hamilton is not currently using a heat pump, one was connected during much of the disputed period, and Hamilton is receiving credit for extra baseline use because a pump is installed in his home. Heisleman reread and verified some of the recent disputed meter readings. He looked for, but found no abnormal conditions on the residence premises. He determined that Hamilton's connected load, consisting of the heat pump, spa, electric washer/dryer, dishwasher, refrigerator and normal lighting, etc. was capable of using the amount of electricity

billed. He concluded that based on the meter test indicating its accuracy in April 1988, the amount of electricity billed was correct. Heisleman suggests that the "spikes" appearing in the graph are due to heavy use during colder weather and/or to life style, including use of a heat pump, which was disconnected in December 1987.

Wayne Barrackman, PG&E's meter crew foreman in Auburn, testified that when examining Hamilton's meter in April 1988, it tested .5% fast at 5 amperes (light load) and .1% slow at 50 amperes (full load). Both tests were comfortably within the 2% range required by Commission rules. The field investigation form used to report the meter inspection was received as Exhibit 5.

After consideration of all the facts brought to our attention during the course of the hearing, it is our opinion that the complainant was billed properly during the period in question, and that no basis exists for adjusting the disputed charges. The testimony by Heisleman that Hamilton's connected load was capable of using the billed electricity is unrefuted. The meter tested accurately during the field investigation. The "spikes" questioned by Hamilton occur mainly during the colder, darker periods of the year. The amounts of electricity billed during the summer months and also during most of the balmy spring and autumn months throughout the graphed period (except for the one extreme occurring during April 1982) are fairly consistent. It would be too coincidental, and certainly not sufficiently probative on this record, to infer that the meter was erratic only during the colder periods. In the circumstances, the complaint should be denied.

Since this is an expedited complaint proceeding, no findings of fact or conclusions of law will be made.

The complaint should be denied.

ORDER

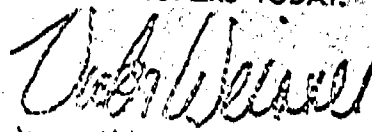
IT IS ORDERED that the complaint in Case 88-08-036 is denied.

This order becomes effective 30 days from today.

Dated NOV 9 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 Weitzer, Executive Director

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