

Decision 88 11 047

NOV 23 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Orvil Grant Jackson,)
)
 Complainant,)
)
 vs.)
)
 Southern California Gas Company,)
)
 Defendant.)

NOV 23 1988

Case 88-06-010
(Filed June 9, 1988)

Orvil Grant Jackson, for himself,
 complainant.
Thomas R. Brill, Attorney at Law, for
 Southern California Gas Company,
 defendant.

OPINION

On June 9, 1988 Orvil Grant Jackson (complainant) filed a complaint against Southern California Gas Company (company). Complainant alleged that since July 1981 he was overcharged for gas service by selecting the Level Pay Plan. Complainant received a description of this plan from the company prior to his selection. Under this plan a customer pays an average amount of his total gas charges. The average charge is calculated using the prior monthly billings for 12 months.

In 1985, complainant discussed his bills with the company on three occasions, but did not understand why his bills were so high. Complainant calculated the overcharges from 1983 to 1986 to be \$4,888.09, or roughly \$1,200 per year. Complainant introduced into evidence bills from 1983-1986. Complainant testified that in 1983 he only used gas for hot water, taking one shower daily. He testified that because of his infantile paralysis he could not

tolerate drafts and never used forced air heating. He stated that he used electric heat in his bathrooms. Complainant requested \$4,000 reimbursement.

At the hearing on August 22, 1988, on cross examination by the company, complainant admitted that he had a gas log fireplace with the damper open and matches around the log at the time a company investigator inspected his home. However, he stated that he had not used the fireplace since 1983.

Robert Puckett, a tariff analyst for the company, testified that the Level Pay Plan had been approved by the Commission. Initially, the company informed customers of the plan by mailing a brochure. Each year this plan was briefly described in a residential customer pamphlet. The pamphlet urges the customer to call the company if there are questions regarding the services described. The brochure and pamphlet were received into evidence as Exhibits 2 and 3, respectively. The purpose of the Level Pay Plan is to budget a customer's income by balancing high winter bills with lower summer bills. The actual usage is shown on each bill with the payment under the Level Pay Plan. This payment changes when there is a 10% or more increase or decrease in actual usage. At the end of 12 months there is an adjustment period: a credit is given for overpayment and an additional payable amount is entered for underpayment.

In 1986 the company received and investigated a high bill complaint. On November 15, 1986 a company serviceman inspected complainant's home. The serviceman found no gas leaks but the cooler ducts on the central heating system were open causing heat inside the house to escape. A search of company records for this customer showed no record of any other complaints. As a result of the customer high bill complaint, complainant's meter was replaced and the old meter tested. Tests showed the meter was actually running one-half per cent slower than normal. Complainant witnessed the meter test. This entire investigation was summarized

in a report which was forwarded to the Commission's Consumer Affairs Branch.

A second high bill complaint was made by complainant and investigated by the company on March 14, 1987. Two small insignificant leaks of one-tenth of one cubic foot per hour were repaired. A restricted water heater valve was cleared. Complainant's usage had declined since the first inspection. The fireplace damper was open, the key was in the valve and matches were seen around the gas log.

Puckett compiled a summary of complainant's usage and bills from 1983 to 1986. This summary showed no changes in usage after the meter was changed. However, after the bill was received, usage declined in February, March, and April in 1987.

Discussion

A review of both the bills submitted by the complainant (Exhibit 1) and the three-year usage/billing summary prepared by the company (Exhibit 8) show a significant decrease in usage (from 118 therms to 33 therms) starting in February 1987 after nearly three years of usage ranging from 74 to 277 therms per month. While the evidence does not clearly disclose the reason for high bills from 1984 to 1987, it does show that complainant has gas operated heating and appliances and the meter was functioning properly. There were no company errors in billing calculations. Based upon this evidence, we cannot conclude that the company has erroneously overcharged complainant. The relief requested must be denied.

Findings of Fact

1. Complainant's residence has an operable gas range, hot water heater and central heating.
2. Complainant's meter was operating properly when tested in 1986 and 1987 and there were insignificant gas leaks.
3. Complainant's bills contain no calculation errors for the period 1983 to 1987.

4. There is no evidence that complainant did not consume the gas usage billed.

Conclusion of Law

Complainant was not overcharged by the company.

ORDER

IT IS ORDERED that the complaint is denied.

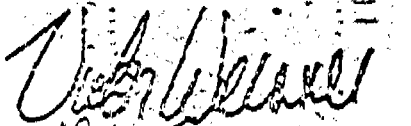
This order becomes effective 30 days from today.

Dated NOV 23 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 Weissler, Executive Director