

5/26 CA-10

ALJ/AVG/cac

Decision 89 05 046 MAY 26 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
Mauco

Maurice D. Rouble,)
)
 Complainant,)
)
 vs.)
)
 Southern California Gas Company,)
)
 Defendant.)

MAY 26 1989

(ECP)
Case 88-09-047
(Filed September 23, 1988)

Maurice D. Rouble, for himself, complainant.
Robert E. Puckett, for Southern California Gas
Company, defendant.

OPINION

Summary of Decision

This decision denies Maurice D. Rouble's request to relocate his meter and to refund alleged overcharges.

Statement of Facts

This complaint was filed under the Expedited Complaint Procedure pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure and Public Utilities (PU) Code § 1702.1. A duly noticed hearing was held before Administrative Law Judge Garde in Los Angeles on November 17, 1988 after which the matter was submitted. Complainant, Maurice D. Rouble, provided testimony on his own behalf. Testimony on behalf of the defendant, Southern California Gas Company (SoCalGas), was presented by Elizabeth Patterson, a special investigations representative.

The complaint involves the resolution of two issues. The first issue involves the relocation of complainant's gas meter, and the second issue involves a refund for overbilled amounts. We will consider each issue separately.

Relocation of Gas Meter

Complainant resides at 2414 Argosy Way, Los Angeles. Complainant's house is located approximately 60 steps above the street level. During 1978, prolonged rains caused landslides and the failure of a retaining wall on complainant's property. As a result of the damage to the retaining wall, complainant's gas meter was moved from a location near the retaining wall to a new lower location near the street. Complainant's gas service was restored by installing a temporary 1-inch steel pipe from the relocated meter to its original location. The service was restored in March 1978. The retaining wall was rebuilt after the rains subsided.

In September 1987, complainant requested that his meter be put back at its original location next to the retaining wall. According to complainant, the meter was moved to the new location near the street on a temporary basis, and the defendant had agreed to move it to the original location after the retaining wall was replaced. Complainant claims that defendant refuses to move the meter back to the original location because the meter readers do not want to climb the 60 steps needed to reach the meter's original location.

As an alternative to moving the meter to its original location, complainant suggests that SoCalGas enter into a stipulation with complainant that the meter will have been constructively moved to its original location and that SoCalGas assumes responsibility for care and maintenance of the gas line between the two locations as though the meter location has actually changed.

SoCalGas contends that the meter was relocated for reasons of safety and a temporary house line was installed to reinstate the service to the house. According to SoCalGas, the slope in front of the house is unstable, and it will be easier to shut off the service if there are further landslides or other emergencies. SoCalGas believes that its action was in accordance

with Rule 13(B) of SoCalGas's tariffs filed with the Commission. SoCalGas maintains that complainant was advised of the relocation of the meter and that the house line was a temporary measure taken for his convenience pending installation of a permanent line by a qualified plumber.

Discussion

Section 21(b) of General Order (GO) 58-A provides the following regarding the location of gas meters:

"All service meters hereafter installed on customer's premises shall normally be located either at a point near where the service pipe enters the building, or at a point adjacent to the front or rear property line and so placed as to be at all times accessible for inspecting, reading and testing. Prepayment meters shall be so located as to be easily accessible to the customer. If the customer's building or consuming equipment is located at a considerable distance from the street or road, or if the service traverses cultivated land and is hence subject to injurious action by the soil, or if the customer is supplied with gas from a high pressure transmission line, the meter may be located at or near the property line, as close as possible to the main and in line with the point of service as closely as good construction will permit."
(Emphasis added.)

The original as well as the present location of complainant's meter conform with the requirements of GO 58-A. However, due to the possibility of future landslides, the present location near the street is more desirable because it allows easier access to shut off the gas service. This ability to shut off gas service is even more critical because of the possibility of earthquakes in the Los Angeles area. Therefore, we believe that the meter should remain at its present location.

Turning to the questions of complainant's claim that SoCalGas had agreed to move the meter back to the original location, we note that SoCalGas's Miscellaneous Service Order dated

March 27, 1978 (Exhibit 3) clearly indicated that the meter relocation was permanent and that the line connecting the newly relocated meter to the house line was temporary. SoCalGas insists that complainant was informed that the temporary hook-up was made for his convenience and that he should have a permanent connection performed by a qualified party. If SoCalGas had indeed agreed to move the meter back to its original location after the retaining wall was rebuilt, complainant should not have waited almost 10 years to demand that SoCalGas honor the agreement. Further, the burden of proof rests with complainant that the present location of the meter was temporary. In this case, complainant has failed to carry the burden since he has provided no evidence to support his claim. Therefore, we believe that the meter relocation was permanent and the pipe connecting the relocated meter to the house gas line was temporary.

Next, as an alternative to moving the meter, complainant suggests that SoCalGas assume the responsibility of care and maintenance of the gas line from the relocated meter to its original location. We believe that approval of such a request would be contrary to the provision of GO 58-A which limits the utility's responsibility for maintenance of facilities at "the outlet fitting of the meter."

Finally, we must consider the safety of the temporary line connecting the meter to the house gas line. According to the testimony of SoCalGas's witness, the line is structurally safe; however, it would be much safer if it were placed underground. Since the line is structurally safe and has provided service the past 10 years, we believe that an immediate safety problem does not exist. However, we recommend that complainant have a permanent line installed by a qualified party.

Overbilled Amount

Complainant's gas consumption increased well in excess of his average use during July and August of 1987. Table I shows his

gas use from April 1, 1987 through October 27, 1987. Complainant believed that the increase in his recorded gas use was due to a faulty meter. Therefore, on September 30, 1987 his meter was removed for testing and a different meter was installed in its place.

TABLE I
Complainant's Gas Use During 1987

<u>Date</u>	<u>Meter Reading</u>	<u># of CCF/Days</u>	<u>Daily Average</u>
04/01/87	4494	29/29	1.00
04/30/87	4526	32/29	1.10
06/01/87	4556	30/32	0.94
06/30/87	4584	28/29	0.97
07/29/87	4658	74/29	2.55
08/27/87	4857	199/29	6.86
09/03/87	4863	6/7	0.85
09/25/87	4884	21/22	0.96
09/28/87	4884	0/0	0.00
09/30/87	4884 REM	0/0	0.00
	4996 SET		
10/27/87	5004	8/29	0.27

The meter was tested on October 5, 1987 and found to be operating within the 2% limit of accuracy prescribed by GO 58-A. Complainant was provided the opportunity to witness the testing of his meter, but he declined the offer.

Complainant contends that since his meter was changed his usage has dropped by approximately 500% and has stayed at that level. In order to support his claims, complainant compared his gas bills for 12 months before the replacement of the meter (from October 1, 1986 to September 1987) with his gas bills for 12 months after the replacement of the meter (from October 1, 1987 to September 30, 1988). The total amounts for complainant's gas bills for the periods October 1, 1986 to September 30, 1987 and October 1, 1987 to September 30, 1988 were \$456.08 and \$75.83

respectively. According to complainant, the difference of \$380.25 between the two amounts was the result of his original meter being faulty. Therefore, complainant claims that he was overbilled \$380.25, and he requests a refund for that amount. In support of his claim, complainant provided Table II.

TABLE II

Comparison of Complainant's Gas Use During 1987 and 1988

Month	Use (CCF)	Amount	Month	Use (CCF)	Amount
May 1987	30	\$ 20.87	May 1988	6	\$ 5.42
June 1987	28	19.76	June 1988	12	7.90
July 1987	74	69.85	July 1988	6	5.52
August 1987	199	205.54	August 1988	10	6.85
Sept. 1987	27	17.73	Sept. 1988	9(est)	6.37(est)
Annual (10/1/86- 9/30/87)	597	456.08	Annual (10/1/87- 9/30/88)	100	75.83

SoCalGas contends that complainant's original meter was tested and that it was operating within the 2% limit of accuracy prescribed by the Commission. Therefore, SoCalGas claims that complainant's recorded gas use was accurate and no overbilling has occurred. In addition, SoCalGas maintains that it has checked complainant's appliances and found no existence of leaks or other abnormal conditions.

Based on the above, SoCalGas claims that complainant has failed to properly allege that SoCalGas has charged an unlawful rate or that it has otherwise violated any order or rule of the Commission. Therefore, SoCalGas requests that the complaint be dismissed and the relief sought by the complainant be denied.

Discussion

It is clear from the record that the meter in question was tested and found to be operating within the 2% limits prescribed by the Commission. Also, there were no leaks in

complainant's appliances. From this we can surmise that complainant used the gas recorded on his meter.

As to complainant's contention that his gas use dropped after his meter was replaced, we note that according to Table I, complainant's gas use dropped from 199 cubic feet for August 1987 to 27 cubic feet for September 1987 before the replacement of the meter on September 30, 1987. It should be noted that the gas use of 27 cubic feet for the month of September 1987 was below the average use per month for the period April 1987 through June 1987. This leads us to believe that the recorded gas use was the result of reduced consumption, not a faulty meter.

Further, the drop in recorded use during the period October 1987 to September 1988 from recorded use during the previous 12 months only indicates that complainant curtailed his rate of use; it does not mean that the replaced meter was any less or more accurate. While we commend complainant's efforts to reduce gas use, we do not agree with his claim that he was overbilled due to a faulty meter.

Finally, we must consider if it was possible for complainant to use 597 Ccf of gas during the 12-month period from October 1, 1986 to September 30, 1987 or an average of 50 Ccf per billing cycle. In order to do that we should examine complainant's maximum use during any billing cycle during the 12-month period and his appliances. Table I shows that complainant's highest use of 199 Ccf occurred during the August 1987 billing cycle. According to the High Bill Investigation Report dated September 28 (Exhibit 10), complainant's appliances consist of a water heater of 50,000 Btu input rating and 2 central heating units with a combined input rating of 120,000 Btu. The central heating units have pilot lights. Based on a total input rate of 170,000 Btu, the water heater and the heating units will have had to operate for approximately 120 hours or 5 days during the 29-day August 1987 billing cycle to consume 199 Ccf. Although 120 hours of heater

operation during a summer month appears to be high, we believe that such use can occur in instances when homes need to be heated during summer months for medical reasons or when people forget to turn off the heat when they leave their homes for a few days. In any case, it is complainant's burden to establish that he did not or could not have consumed 199 Ccf during August 1987 or to establish that he did not or could not have used an average of 50 Ccf per billing cycle during the 12-month period from October 1, 1986 to September 30, 1987. We are not persuaded by his showing that he has met the burden of proof. Therefore we will deny his request for refund.

As this matter was filed under the Expedited Complaint Procedure, no separately stated finding of facts or conclusions of law will be made.

ORDER

IT IS ORDERED that:

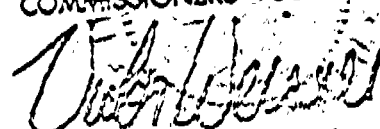
1. The relief requested in Case 88-09-027 is denied.
2. This proceeding is closed.

This order becomes effective 30 days from today.

Dated MAY 26 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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


Victor Weissert, Executive Director
109