

Decision 89 10 017 OCT 12 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN H. AND COSTANZA N. VANN,
Complainants,

vs.

PACIFIC GAS AND ELECTRIC COMPANY
(U-39-M),

Defendant.

(ECP)
Case 89-07-032
(Filed July 14, 1989)

John H. Vann and Costanza N. Vann,
for themselves, complainants.
Mike Weaver and Dean Mortensen, for
Pacific Gas and Electric Company,
defendant.

O P I N I O N

This expedited complaint proceeding was heard before Administrative Law Judge John Lemke on August 24, 1989 in San Francisco, and was submitted at the close of hearing.

The complaint of Costanza and John Vann (complainants) alleges as follows:

Complainants took an extended vacation from December 1 to December 22, 1988. Before departing, they set the thermostat in their Castro Valley home at its lowest setting. Their December 1988 energy bill rendered by Pacific Gas and Electric Company (PG&E) was in the amount of \$280.88. This is very close to their energy bill for December 1987, when they were residents in the same house in Castro Valley for the entire billing period, using energy at the normal rate. In December 1986, when the thermostat was set at its lowest setting, billing for the full month amounted to only \$169.00.

Costanza Vann testified that during the billing period in question complainants spent a total of nine days at home. The house was unoccupied during their absence. She stated that during their vacation all utilities were shut down; the thermostat controlling the radiant heating was set to 58 degrees.

Exhibit 2, sponsored by PG&E, shows the use of gas in therms, and of electricity in kilowatt-hours (kWh), together with charges therefor assessed complainants during the period December 1985 through July 1989. The amounts of usage and charges for the four December billings occurring during this period are as follows:

TABLE 1

<u>Service</u>	<u>Gas (Therms)</u>	<u>Electricity (kWh)</u>	<u>Charges</u>
Dec. 1985	340	565	\$278.11
Dec. 1986	211	607	169.07
Dec. 1987	300	815	260.97
Dec. 1988	306	753	280.88

Exhibit 2 also shows that complainants were billed \$289.09 for January 1989 service, and \$257.92 for the following February billing period.

Exhibit 1, presented by John Vann, contains a tabular portrayal of climatological data reported by the National Oceanic and Atmospheric Administration. It shows average maximum and minimum temperatures for points throughout the state during the months of December in 1985, 1986, 1987, and 1988. This data is shown in the following table. Temperatures are those reported at Newark, California, the reporting station located nearest Castro Valley:

TABLE 2

	<u>Average Degrees</u>		
	<u>Maximum</u>	<u>Minimum</u>	<u>Average</u>
Dec. 1985	56.3	41.4	48.9
Dec. 1986	57.4	42.3	49.9
Dec. 1987	56.7	43.0	49.9
Dec. 1988	58.4	40.3	49.4

This exhibit also contains a report of daily temperatures experienced during the month of December 1988. All of the minimum temperatures shown, and about one-half of the maximum temperatures recorded for the area were lower than 58 degrees, the level at which complainants set their radiant heating system thermostat. An examination of this data shows that during the period after complainants returned from their vacation on about the 23rd of December, the area experienced a cold spell. During this last week of December 1988 maximum temperatures ranged from 43 to 55 degrees, while minimums ranged from 30 to 39 degrees, both ranges considerably lower than the averages shown above, and well below the thermostat setting of 58 degrees. For the nine days December 23 through 31, the high temperatures were 54, 55, 54, 49, 49, 46, 43, 49, and 51 degrees. The low temperatures for this period were 36, 37, 39, 33, 33, 35, 30, 32, and 34 degrees.

At the Vanns' request PG&E tested and replaced their gas meter. The meter tested within .5% accuracy, as shown in Exhibit 7. Complainants' electric meter was also tested, and found to be functioning within Commission prescribed limits, as shown in Exhibit 8.

Complainants testified that since the new gas meter was installed in January 1989, their energy use has lessened. They concur with readings and billings presented since that time.

Dean Mortensen, a customer services supervisor in PG&E's Hayward district office, testified that in his opinion the readings questioned by the Vanns are correct. He stated that a PG&E investigator checked for gas leaks in complainants' lines, but found none. He deems it significant that a representative found the gas heater flame in complainants' home furnace to be quite yellow in color, indicating the combustion in the furnace to be inefficient. However, Mrs. Vann testified that the representative informed her that this condition would have affected complainants' charges only slightly.

Mortensen stated that radiant heating, as used in complainants' 1962 Eichler constructed home, is not very efficient. He noted that complainants' home has no attic, being constructed with beamed ceilings, and is "leaky" with regard to heat retention. He explained that radiant heating primarily heats objects, such as walls, furniture, people, etc., rather than the air itself; the heat then radiates from those objects and warms the air space within the home. Slab floors, he testified, if not insulated, will lose heat to the ground.

Mortensen opined that the radiant heating system in complainants' home probably continued to operate during much of their absence, as the temperature inside fell below 58 degrees; that the operation of the radiant heating system, including the electric pump which moves the heated water throughout the system, required the gas and electricity usage registered.

Complainants' case consists chiefly of their observations that their bill for December 1988 was about \$20 higher than the bill for December 1987, that their registered energy use has lessened since replacement of the gas meter in January 1989, and that the energy bill for December 1986 was only about \$169. This last fact is difficult to understand or explain. Table 1 shows that the Vanns used less gas during that December than in the other three Decembers for which usage is shown and less electricity except for the amount used in December 1985.

Exhibit 1 shows that the area did not experience a cold spell in December 1986 comparable with that occurring in December 1988. The exhibit shows that there were only three days in December 1986 when the temperature was less than 40 degrees, all three days registering minimum temperatures of 39 degrees. The average minimum temperature for December 1986 was higher (42.3 degrees) than that for December 1988 (40.3 degrees). The average maximum temperature for December 1986 was slightly lower. However, it is unlikely that these temperature differences could account for

the differences in the December 1986 billing. Notably, complainants have not taken issue with charges assessed for the other recent December billing periods, which were more than \$100 over the \$169 billing for December 1986.

After consideration of the facts on this record, we will deny the complaint. Our decision is based upon the following:

1. The connected load capacity in complainants' home was capable of using the energy billed.
2. Complainants' home is not an energy-efficient dwelling.
3. Complainants allege they set the thermostat for their radiant heating system at 58 degrees. The average temperature for the month of December 1988 in the Castro Valley area was 48.9 degrees. The radiant heating system in complainants' home apparently functioned during much of the time they were absent.
4. The Castro Valley area experienced a cold spell during the period immediately after complainants returned from their vacation, causing increased energy usage for approximately the last 10 days of the billing period in question.
5. The gas and electric meters used during the billing period in question were tested and found to be accurate within the tolerances prescribed by the Commission.

In the circumstances, we find that complainants have not shown that they were improperly billed for service registered during December 1988. Since this is an expedited complaint proceeding, no separate findings of fact or conclusions of law will be made. The complaint will be denied.

ORDER

IT IS ORDERED that the complaint in Case 89-07-032 is denied.

This order becomes effective 30 days from today.

Dated OCT 12 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.

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Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director

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