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Decision 91-04-048 April 24, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BARBARA J. ABBEY,)
 WILLIAM J. ABBEY,)
)
 Complainants,)
)
 vs.)
)
 PACIFIC GAS AND ELECTRIC COMPANY,)
)
 Defendant.)

ORIGINAL

Case 90-08-027
(Filed August 10, 1990)

Barbara J. Abbey and William J. Abbey,
 for themselves, complainants.
Jefferson C. Bagby, Attorney at Law,
 for Pacific Gas and Electric Company,
 defendant.
Robert E. Baumer, interested party.

O P I N I O N

William and Barbara Abbey (Abbeys) complain that Pacific Gas and Electric Company (PG&E) owes them \$42,421.63 in unpaid mobile home park service discounts and interest from March 1, 1971 to October 30, 1990.

A duly noticed public hearing was held in Pollack Pines before Administrative Law Judge Orville I. Wright on November 7, 1990, and the matter was submitted with the filing of optional briefs on January 14, 1991.

Background

Whispering Pines Mobile Home Park (Park) was purchased by the Abbeys about four years ago. In the hands of the former owners, Park originally was constructed of 15 units in 1964.

At that time, and to the present time, electricity was and is supplied to these 15 units through a master meter.

With master metering PG&E installs one service and meter to supply more than one mobile home space, and the master-metered customer (owner of the trailer park) installs his own distribution service and submeters to serve each mobile home space. Park owners receive discount of approximately 10.25% for each submetered service, which compensates them for maintaining, reading submeters and billing, and collecting the energy charge. Complainants and former owners collected and continue to collect the appropriate submeter discount from PG&E for the original 15 units.

Park's original construction was followed by additional units in 1971, 1972, 1973, and 1976 so that today there are 28 units in the Park. Each of the additional 13 mobile home spaces was separately or individually metered for electric service by PG&E and, as a result, no submeter discount has been paid to the Park owners (see PG&E Schedule ET-Mobile Home Park Service).

Complainants' computations show that unpaid discounts on the later 13 units for the period since 1971, including 6% interest, total \$42,421.63, the sum sought to be recovered from PG&E in this proceeding.

Complainants' Position

Complainants correctly state that, at all times relevant to this case, it has been the rule that owners of mobile home parks have the option of installing electric distribution systems to provide submetered service to tenants or have the utility provide electric service directly to the tenants (Decision 93586, October 6, 1981). Thus, the park owner could determine for himself whether it would be to his economic advantage to submeter his space occupants, and to collect the applicable discount, or to have the utility provide direct service to the space occupants and pay no discount.

The essence of the complaint before us is that PG&E did not advise the Park owner of the available master-metering option in the period 1971 through 1976 when additional units were added to

the Park. In fact, complainants state that the former owner would testify that he was informed by PG&E that direct metering by the utility was the only avenue by which the additional units could receive electric service.

PG&E's Position

PG&E testified that its representative explained the master-metering option to complainants' predecessor as each new group of spaces was made available for occupancy, and the then-owner made an informed election that PG&E provide direct metering.

Defendant also explains that master metering is still available to the complainants on a prospective basis. If the present park owners wish to do so, they may connect all 28 of their spaces to the existing master meter, assume the cost and obligations of that service arrangement, and receive the appropriate discount.

Finally, PG&E avers that the present owners of Park have no greater rights to sue PG&E than did the previous owner. The previous owner's time to sue over this matter would have begun to accrue at the very latest when the last meter was installed at the mobile home park in 1976. Because 14 years have passed since the time any claim may have arisen with respect to this matter, this claim should be barred by any applicable statute of limitations.

Discussion

Complainants in this case have vigorously pursued their claim in the belief that PG&E deprived their seller of an economic advantage by not telling him of the option of master metering.

We, however, perceive no inequity as the master-metering election remains open to the Abbeyes and, until the present date, PG&E has performed those functions, including reading the meters and rendering the bills, for which the contested discount is designed to compensate. We commend complainants to an examination of Park's electrical supply configuration to determine if master metering may be to their economic advantage.

While we agree with defendant that the Abbeys' claim is barred by the statute of limitations, we note, as well, that the Abbeys did not succeed to their claim against PG&E by operation of law, a prerequisite to the Commission's recognition of such claim (Public Utilities Code § 734).

Findings of Fact

1. Park was purchased about four years ago by the Abbeys.
2. Former owners constructed 15 trailer spaces in 1964 which were master metered for electricity.
3. Former owners added 13 trailer spaces between 1971 and 1976 which were individually metered for electricity by PG&E.
4. There is conflicting testimony as to whether PG&E informed former owners that the added trailer spaces could be master metered for electricity at the option of owners.
5. PG&E has followed its tariffs with respect to both master metered and separately metered trailer spaces at Park.
6. Master metering is prospectively available to the present owners at their option.
7. Fourteen years have elapsed since the last individual meter was installed at Park, and Abbeys did not succeed to their claim by operation of law as required for Commission recognition.

Conclusion of Law

The complaint should be denied.

ORDER

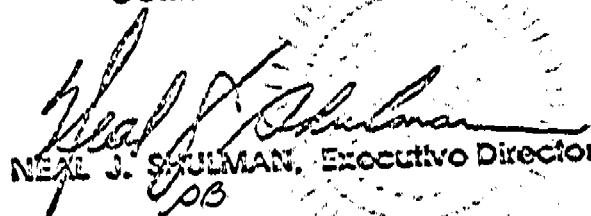
IT IS ORDERED that the complaint is denied and this case is closed.

This order becomes effective 30 days from today.

Dated April 24, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SCHULMAN, Executive Director