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Decision 91-05-044 May 22, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Randa L. Walters,)
)
 Complainant,)
)
 vs.)
)
 Pacific Gas and Electric)
 Company,)
)
 Defendant.)

ORIGINAL

Case 90-11-015
(Filed November 13, 1990)

Fred Heiner, Attorney at Law, for complainant.
Jefferson C. Bagby, Attorney at Law, for
 Pacific Gas and Electric Company, defendant.

O P I N I O N

Randa L. Walters (complainant) alleges that the defendant has charged her for electricity that neither she nor any member of her household consumed during 1990.

The complaint was filed November 13, 1990. Prior to filing the complaint, complainant attempted to resolve the matter informally with the Commission's Consumer Affairs Branch (CAB). In connection with that attempt complainant placed on deposit the sum of \$315.63.

A timely answer was filed by defendant on December 5, 1990. In its answer defendant denies all material allegations and avers that complainant has only been billed for electricity recorded on the meter at complainant's address.

Public hearing was held before Administrative Law Judge (ALJ) Frank J. O'Leary at San Francisco on March 6, 1991. The matter was submitted, with the filing of late-filed Exhibit 2, on March 8, 1991.

Complainant did not appear at the hearing nor was any evidence presented on her behalf. Complainant's counsel replied affirmatively to the following question by the ALJ:

"Now, the other thing is that since complainant is not going to present any evidence, I would assume that complainant is going to rely solely on the allegations set forth in the complaint; is that also fair?"

Her counsel agreed that the period in question commenced January 12, 1990 and ended October 11, 1990. Complainant's counsel also stipulated that complainant would be willing to admit that during each billing period during the period, of which there are nine, she used 1600 kilowatt hours (kWh).

The complaint alleges that:

"Defendant utility's charges are in excess of those lawfully allowed because complainant is has [sic] been paying not only for the electricity that she and her household consume at 606 Natoma Street, but also for the electricity that an adjacent business named 'Yuen Fat Sewing Company' at 160 Seventh Street has been consuming since about January 1, 1990 at 160 Seventh Street. (Although the addresses of Yuen Fat Sewing Company and of complainant are on different streets, they both refer to the same corner building.)

"Complainant believes that she has been paying for both her household's and the Yuen Fat Sewing Company's electricity because suddenly, beginning with the bill that defendant rendered complainant for PG&E customer account number LRG 12 30507-6 for utility service for the 31-day period ending February 12, 1990, complainant's monthly electricity consumption as shown on the bills has nearly doubled compared to her monthly electricity consumption theretofore. This sudden increase coincided with the January 1990 start-up of the Yuen Fat Sewing Company's operations at 160 Seventh Street, and is not the result of any increase in complainant's electricity requirements, such as by an increase in the frequency or duration of use of complainant's electrical appliances

at 505 Natoma Street or by an increase in the number of electrical appliances used.

"By contrast, when I visited the premises of my neighbors at the Yuen Fat Sewing Company, I saw a large room brightly illuminated with electric lighting and about 30 individuals assembling clothing on a corresponding number of sewing machines. In the back room of the Yuen Fat Sewing Company's premises I could see other power machinery and electric cooking appliances as well. Moreover, the sounds coming from those business premises into 606 Natoma Street indicate that Yuen Fat Sewing Company employees are working from early morning until about 9:00 o'clock in the evening excepting most Sundays and holidays."

Evidence presented by defendant consisted of testimony by a field adjuster and two exhibits. The field adjuster testified that he investigated this complaint when it was first filed with CAB. His investigation report is contained in Exhibit 1. The report discloses that complainant had the following electrical appliances at her residence: 2 refrigerators, 1 microwave, 1 television, 1 clothes washer, 1 toaster, 1600 watts of lighting over 5 kWh for security lighting, and a broken dishwasher. The report also discloses that complainant's electric meter was tested and the test revealed the meter to be within limits prescribed for accuracy. The field adjuster testified that the electric load at complainant's residence was capable of the consumption recorded on the electric meter for the period of time involved in the complaint. The field adjuster also testified that he looked at the electric meters of complainant and the Yuen Fat Sewing Company and could find no evidence of electric service to the Yuen Fat Sewing Company flowing through complainant's electric meter.

At the conclusion of the hearing, the ALJ requested defendant to file an exhibit showing the difference for the period in question (January 12, 1990 to October 11, 1990) between the 1600 kWh admitted useage per month and the excess over that amount

and the amount of money involved in the complaint. The exhibit was received as Exhibit 2 on March 8, 1991. The exhibit discloses the amount in question to be \$687.19 which includes the 5% tax of the City and County of San Francisco.

Findings of Fact

1. Complainant alleges that she has been billed for electric usage that neither she nor any member of her household has used, during the period January 12, 1990 to October 11, 1990.

2. Complainant believes she has been paying for electric energy used by her neighbor, the Yuen Fat Sewing Company.

3. Complainant's counsel stipulated that complainant used 1600 kWh of electricity during each billing period.

4. Complainant presented no evidence to support her allegation and belief.

5. The electric load at complainant's residence was capable of the consumption recorded on her meter during the period in question.

6. Complainant's electric meter was tested for accuracy and found to be within the limits prescribed for accuracy.

7. The field adjuster of defendant who investigated the complaint could find no evidence of electric service to the Yuen Fat Sewing Company flowing through complainant's meter.

Conclusions of Law

1. The allegations set forth by complainant have not been proved.

2. The relief sought in the complaint should be denied.

3. The \$315.63 deposited in connection with this complaint should be disbursed to defendant.

ORDER

IT IS ORDERED that:

1. The relief requested in the complaint is denied.
2. Complainant's deposit of \$315.63, and any other deposit(s) made by complainant in connection with this complaint, shall be disbursed to defendant on the effective date of this order.

This order becomes effective 30 days from today.
Dated May 22, 1991, at San Francisco, California.

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

Commissioner John B. Ohanian,
being necessarily absent, did
not participate.

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


NEAL J. SHULMAN, Executive Director