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Decision 91-06-032 June 19, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mary Etta Harden,

Complainant,

v.

Pacific Gas and Electric
Company,

Defendant.

ORIGINAL

(ECP)

Case 91-03-028

(Filed March 11, 1991)

O P I N I O N

Mary Etta Harden (complainant or Harden) complains about high bills for her natural gas service at 668-28th Street, Apartment A, Oakland, asserting that she was overcharged for her gas usage by Pacific Gas and Electric Company (PG&E) "as a result of faulty equipment within the apartment...(gas heaters) or at the gas regulator." PG&E removed the old gas meter, tested it, and found it to be operating properly. It installed a new meter.

Harden complained of her high gas bills to her apartment manager, who responded that there was no money for heater repairs. PG&E also informed Harden that she should take up her high bill complaint with the apartment manager or owner.

Harden testified that she believed the problem with her gas service was the wall heater in the back bedroom, which, she said, could not be properly controlled at the thermostat. There is no evidence that the meter was faulty. Accordingly, the problem with Harden's service must derive either from Harden's pattern of usage, or from a faulty heater or heater controls within her apartment, or from a combination of both causes. In either case PG&E has no responsibility. Gas appliances on the customer's side

of the meter are the responsibility of the customer (or possibly the owner, in a tenancy situation). (PG&E Gas Tariff Rule 20.) If they malfunction, causing excessive consumption of gas, or if a customer does not operate them prudently, the charges associated with that high usage are billed to the customer and must be paid.

On February 15, 1990, PG&E discontinued Harden's service at 668-28th Street for non-payment of its bill for \$589.05. Harden moved to 4021 Lyon Street, Oakland, and re-established gas service there under the name Mary Jones. PG&E transferred the overdue bill of \$589.05 to her Lyon Street account on April 5, 1990. PG&E discontinued service at the Lyon Street address on June 19, 1990, due to non-payment of bills totaling \$694.15, including the \$589.05 owing from the 28th Street apartment. Service was re-established at the Lyon Street address under the name of Harden's husband on June 25, 1990. PG&E transferred the unpaid bill, now amounting to \$694.15, to the new account on October 5, 1990. PG&E closed this account on April 24, 1991, for non-payment of bills totaling \$792.01. Harden now lives with her father.

PG&E offered Exhibit 5, comparing gas usage at the 28th Street apartment before, during, and after Harden's occupancy. Throughout the period of Harden's occupancy (February 7, 1989 to February 15, 1990), her monthly gas usage exceeded the usage of the prior and later tenants by factors ranging between:

	<u>Low</u>	<u>High</u>	<u>Average</u>
Prior Tenant	42%	111%*	75%*
Later Tenant	29%	192%	109%

* December, January, and February are excluded, since the usage of the prior tenant was unusually low for these cold, winter months.

This usage is consistent with Harden's testimony that the prior and later tenants were both single occupants of the apartment, whereas her family consisted of husband, wife, and 3

children. It is also consistent with operating both the front room wall heater and the back bedroom wall heater, which Harden testified was her practice. Assuming that a single occupant would operate only one wall heater at any given time, Harden's usage would be approximately twice that of a single occupant. The data show that her usage was, on the average, about twice as high as the prior and later tenants. In other words, Harden's own pattern of heater operation could alone explain the differences between her gas usage and the usage of the prior and later tenants.

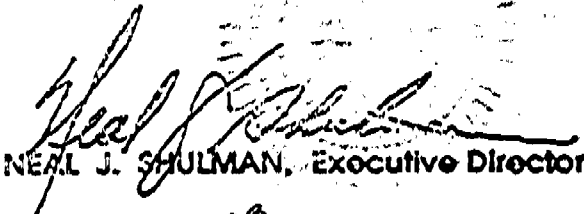
IT IS ORDERED that the complaint is denied.

This order becomes effective 30 days from today.

Dated June 19, 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. SHULMAN, Executive Director
PB