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Decision 91-11-050 November 20, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Linda Pickett, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 Pacific Gas and Electric Company, )  
 )  
 Defendant. )

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ORIGINAL

(ECP)  
Case 91-06-034  
(Filed June 18, 1991)

OPINION

Background

Complainant, Linda Pickett, alleges that defendant, Pacific Gas and Electric Company (PG&E), overcharged in excess of \$250 for service during December 1990 and January 1991. Pickett alleges the bill for this period is three times the usage indicated on subsequent bills. She indicates she used no heat for the first two weeks of this billing period.

After receiving the bill, Pickett contacted PG&E. Thereafter, PG&E inspected her meter, found no malfunction, and insisted that she pay the bill. Pickett entered into an installment payment agreement with PG&E. However, she now protests this arrangement and alleges she was not informed of her right to protest the bill prior to payment. She also complains that the Commission requirement of depositing the amount of the disputed bill pending resolution of a formal complaint violates her right to due process, citing Simon v. Craft (1901) 182 US 427.

Pickett requests that defendant be ordered to produce all records of gas and electric usage at her premises for the period of three months prior to her occupancy. She also requests that PG&E be restrained from discontinuing her service for nonpayment of the bill in dispute pending a decision in this proceeding.

PG&E denies that it wrongfully billed Pickett. PG&E submitted its investigation report to the Commission in response to Pickett's informal complaint. The Commission's Consumer Affairs Branch agreed with PG&E's position. PG&E's records indicate Pickett's service began on December 10, 1990. Her first electric bill for the period December 10, 1990 to January 25, 1991 (45 days) was \$467.27. Her first gas bill for the period December 10, 1990 to January 15, 1991 was \$21.85. After Pickett's inquiry, PG&E verified the accuracy of the meter, rate schedule, meter readings and connected load. This investigation revealed an error in Pickett's baseline allowance. Subsequently, PG&E credited Pickett's account. PG&E alleges it pursued normal credit practices to collect the unpaid balance. As of July 15, 1991, Pickett's outstanding balance for energy usage is \$187.51. PG&E alleges it has not violated Commission rules or its filed tariffs. PG&E requests that the complaint be dismissed and no relief granted.

At the time for evidentiary hearing on August 19, 1991, Pickett requested a continuance yet was reluctant to waive her right to a hearing in 30 days. PG&E did not oppose the request for a continuance. Both parties agreed to cooperate in timely discovery and to complete an energy audit of Pickett's residence. In an Administrative Law Judge Ruling, the proceeding was converted to a regular complaint because complainant indicated she was not ready to proceed within 30 days, and the hearing was rescheduled.

On October 8, 1991, PG&E indicated in a letter to the presiding administrative law judge that discovery and the energy audit were completed.

On October 17, 1991, the parties presented evidence in an evidentiary hearing to support their respective allegations.

#### Complainant's Evidence

Complainant testified that she was treated rudely by PG&E representatives who pursued her high bill inquiry and was not informed that PG&E could offer lower payments than those offered in

her payment plan. She believes something is wrong with her service or the billing because four out of five baseboard heaters in her residence were inoperable during the first billing period and subsequent bills were substantially lower than the first bill. She indicated that almost nothing worked in the residence during the first billing period because of a winter freeze. Therefore, she did not use the normal amount of electricity or gas during the first billing period. She testified that because of the cold and condition of the premises, her children lived with her mother temporarily.

Sometime after the bill dispute, Pickett questioned her landlord about the heat. The landlord had lived in the residence in the past. He did not believe usage could occur if the thermostat was turned off.

Pickett indicated that no amount is currently deposited with the Commission because the amount in dispute was paid in full under a payment plan. However, she testified that payment was an unnecessary hardship which she now believes could have been alleviated if PG&E had properly informed her of her right to lower payments. Currently, her bills for September and October, a total of \$122.23, are outstanding. Her service has not been disconnected pending this proceeding.

Defendant's Evidence

Defendant's witness, Jon E. Pinten, testified and presented documents to show PG&E's investigation of Pickett's high bill inquiry. PG&E conducted two meter tests to verify the accuracy of Pickett's meter, corrected her rate schedule to provide a baseline allowance for electricity, and informed her that her heating source was expensive. Thereafter, PG&E conducted an initial home energy audit in March 1991. This audit could not be completed because of water in the basement of Pickett's residence. PG&E returned during this proceeding to complete the audit. PG&E

reported its initial investigation to Consumer Affairs Branch in response to Pickett's informal complaint.

PG&E argues that the weather during the billing period in dispute was the coldest winter in 20 years, as evidenced by Pickett's frozen pipes. PG&E believes the change in the usage shown on subsequent bills proves that there is no meter malfunction. PG&E points out that the bill in dispute covers a period of 45 days instead of the normal 30 days.

Discussion

After review of the evidence produced by complainant and defendant, we must conclude that complainant has not shown that usage during the disputed billing period did not occur. Complainant admits that one baseboard heater was working during the billing period and that the weather was extremely cold. In addition, the billing records show that the disputed bill was allocated to be paid over a period of six months. We find this to be a reasonable period of time.

Complainant has not deposited the amount in dispute with the Commission; therefore, we do not address the allegations that this requirement violates her due process rights.

We deny complainant's request for a refund of a portion of the amount paid for her first billing period.

Finding of Fact

Complainant has not shown that energy usage did not occur as billed for the period December 10, 1990 to January 15, 1991, or that the six-month payment arrangement was unreasonable.

Conclusion of Law

This complaint should be denied.

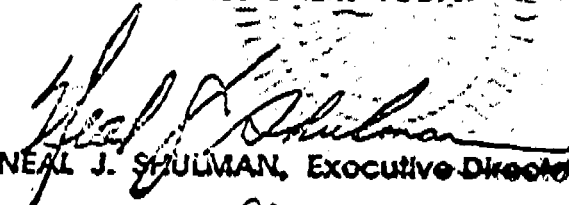
ORDER

IT IS ORDERED that this complaint is denied.  
This order becomes effective 30 days from today.  
Dated November 20, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
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  
PS