

ALJ/BRS/gab

Mailed

MAR 11 1992

Decision 92-03-018 March 11, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES L. CASE,

Complainant,

vs.

PACIFIC GAS & ELECTRIC CO.,

Defendant.

(U 39 E)

ORIGINAL

Case 91-06-029
(Filed June 17, 1991)

O P I N I O N

Complainant James L. Case (Case) disputes a Pacific Gas and Electric Company (PG&E) bill of \$4,832.44 for allegedly unmetered electricity consumed between June 28, 1984 and May 15, 1990. PG&E rendered the bill after investigating meter tampering at the Case house located at 5837 Del Trigo Lane in Clayton.

A hearing was held on October 9, 1991.

Case denies knowledge of any tampering with the meter, but agrees that the consumption pattern indicates that some usage may not have been metered. Case is willing to pay for a reasonable amount of unmetered usage, which he believes should be based in part on subsequent usage after the meter was replaced, rather than solely on usage prior to the period of unmetered usage.

PG&E customer service representative, Lori Quinn, testified that she received an anonymous telephone call on April 6, 1990 from a neighbor of Case, who alleged that Case bragged about stealing electricity from PG&E.

The matter was referred to PG&E revenue protection representative Jerry Fuhrman, who testified that upon investigating the Case meter, he found that the meter disc was not turning, even though lights were on at the Case residence. The meter is a different type than normally used for residential service; it has a monitor that can record rotations of the meter on a remote time clock. This meter apparently was installed earlier to monitor time-of-use usage in order to determine whether time-of-use rates would be feasible. Fuhrman found that the monitor had been forced up against the rotating meter disc to create a drag, and cause the disc to either slow down, or to stop, depending on the electric load at the time.

Fuhrman also found further evidence of tampering on the meter:

1. The inner seal was missing, which allows the glass dome to be removed.
2. The ring which secures the meter to the panel was installed backwards. This could allow the meter to be removed from the panel easier.
3. The tab, which locks the ring, had many scratch marks, indicating that the ring had been removed a number of times.

Fuhrman testified that a house of the size of the Case's would normally use about 25 kilowatt-hours (kWh) per day. Exhibit 2 shows that Case's usage averaged 0.9 to 5.0 kWh per day from March 1989 to March 1990. During five months of the 12-month period, the usage averaged 0.9 to 1.0 kWh per day. Prior to the 71-month low usage period, the usage ranged from 21 to 35 kWh per day. Fuhrman believes that operating only a refrigerator would consume approximately one kWh per day.

The meter was removed on May 15, 1990. A meter test at the PG&E shop resulted in no registering of usage under either the low load or high load standard conditions used in the test.

Fuhrman determined from review of the recorded usage that unmetered usage apparently began in July 1984. He then calculated a bill for unmetered usage, using 1982 as the base year for monthly usage patterns. The total amount calculated is the amount of the complaint, \$4,832.44, for unmetered usage from June 28, 1984 to May 15, 1990.

We conclude that Case benefitted from unmetered energy. The evidence is compelling. The meter did not register at all when removed, although load was apparent, and it did not register during the meter test. The usage pattern strongly points to unmetered usage, further supported by the tampered seal and reversed ring. Case, while denying knowledge of tampering, admits that the usage pattern during the period in question points to unmetered usage, which he argues is due to a faulty meter.

With regard to calculating the unmetered usage, Case argues that his most recent period since the meter was replaced should also be considered. We disagree; while the first month after meter replacement appears normal at 822 kWh or 27.4 kWh per day, subsequent months show a decline in usage, apparently due to conservation measures. It is not unusual for a customer to reduce usage after receiving a bill substantially higher than he is accustomed to. In this case, Case had been accustomed to bills for perhaps one-third of the actual usage. We believe that PG&E's method, which uses 1982 as the base year for monthly usage patterns, is reasonable. However, the period used in calculating the \$4,832.44 amount exceeds the three-year limitation in Public Utilities Code § 737. The corresponding amount for the approximate three-year period from May 30, 1987 to May 15, 1990 is \$2,704.06. We find that amount to be reasonable, and will order Case to pay it.

Findings of Fact

1. Case filed a complaint disputing an electric bill for \$4,832.44 presented by PG&E for unmetered electricity delivered to Case's residence at 5837 Del Trigo Lane in Clayton from June 28, 1984 to May 15, 1990.

2. Case denies knowledge of meter tampering, but agrees that the usage pattern indicates that there may have been unmetered usage.

3. The Case meter was found to be not registering although load was apparent.

4. Evidence of tampering with the meter was found, including a missing seal and ring installed backward.

5. The Case usage fluctuation between June 1984 and May 1990 indicates unmetered usage.

6. The Case usage after the meter was replaced on May 15, 1990 increased to normal levels.

Conclusions of Law

1. Case benefitted from unmetered electricity.

2. It is reasonable to bill Case \$2,704.06 for unmetered electricity from May 30, 1987 to May 15, 1990, a period corresponding to the three-year limitation set forth in PU Code § 737.

ORDER

IT IS ORDERED that:

1. Within 30 days of the effective date of this order, Pacific Gas and Electric Company and James L. Case shall negotiate a payment arrangement for the collection and payment, respectively, of \$2,704.06. If a payment arrangement is not entered into, then the entire \$2,704.06 shall be due and payable 30 days after the effective date of this order.

2. Except to the extent granted, the complaint in Case 91-06-029 is denied.

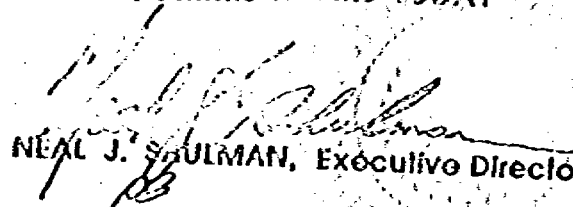
This order becomes effective 30 days from today.

Dated March 11, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
President

JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SAULMAN, Executive Director