

ORIGINAL

Decision 82 01 20

JAN 5 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ms. Viola Washington

Complainant,

vs.

Pacific Gas & Electric Company

Defendant.

(ECP)  
Case 11009  
(Filed July 20, 1981)

Viola Washington, for herself, complainant.  
Robert S. West, for Pacific Gas and Electric  
Company, defendant.

O P I N I O N

This is a complaint by Viola Washington (Washington) against Pacific Gas and Electric Company (PG&E). Washington contends that her gas and electric bills for June and July of 1980 are not correct. The amount in dispute is \$169.99.

This matter was heard under the Commission's Expedited Complaint Procedure. (Public Utilities Code § 1702.1, Rule 13.2.) The matter was called and continued at Washington's request on September 11, 1981. A duly noticed public hearing was held before Administrative Law Judge Donald B. Jarvis in San Francisco on November 17, 1981 and the proceeding was submitted on that date.

Washington purchased the house at 15 Shields Court in San Francisco. PG&E had previously discontinued gas and electric service at the house because of nonpayment of bills by the previous occupant.

Washington arranged for gas and electric service which commenced on May 30, 1980.

Washington testified that no one resided in the house from May 30 to July 19, 1980. During this period the house was being painted and prepared for occupancy. Washington also testified that: She checked the activity of the painters every day. She locked up at night and turned out all lights. The furnace was not left on.

On July 31, 1980, PG&E billed Washington \$169.99 for gas and electric service furnished during June and July. Washington believed the bill was not correct for the usage. She protested to PG&E and made an informal complaint to the Consumer Affairs Branch along with a disputed bill deposit of \$169.99. The Consumer Affairs Branch acted adversely to Washington and disbursed the money to PG&E. Washington subsequently filed this formal complaint.

PG&E introduced evidence that the electric meter involved was tested on November 24, 1980 and found to be functioning within the limits of accuracy proscribed by the Commission. The gas meter was tested on December 3, 1980 and found to be accurate. PG&E produced the meter reader cards which show that the meters were read on May 30, 1980 and July 31, 1980. These readings indicate that 199 therms of gas and 926 kilowatt-hours were used during the 62-day period.

PG&E contends that the meters are accurate and the readings show the gas and electricity was used. It theorizes that painters sometimes turn on heat to help dry paint. Washington denies that this occurred.

A utility customer is responsible for the energy used on the premises. Williams v PT&T (1976) 80 CPUC 222, 231.) The evidence indicates that the meters were functioning properly and that

gas and electricity was used. As all complainants, Washington had the burden of proof in this proceeding. (Fremont Customers v PT&T (1968) 68 CPUC 203, 206.) We find that she has not met this burden. The complaint should be denied.

O R D E R

IT IS ORDERED that complainant is entitled to no relief in this proceeding and the complaint is denied.

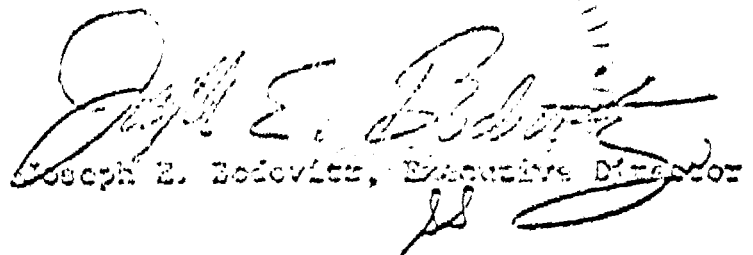
This order becomes effective 30 days from today.

Dated JAN 5 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

Commissioner Leonard M. Grimes, Jr.,  
being necessarily absent, did not  
participate.

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

  
Joseph E. Bodovitz, Executive Director