

Decision 83 07 005 JUL 20 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Frances Brownell,

Complainant,

vs.

Pacific Gas & Electric Company,

Defendant.

(ECP)  
Case 82-08-08  
(Filed August 12, 1982)

O P I N I O N

The complainant, Mrs. Frances Brownell, is a residential customer of the defendant, Pacific Gas & Electric Company (PG&E). Brownell disputes two gas bills received in August and October 1981, for service provided to her residence.

Brownell received a gas bill in August 1981 of \$255.20 for the period July 10-August 11, 1981. She later received a revised gas bill in October 1981 of \$344.64 for the period May 11-October 9, 1981. Brownell filed a complaint against PG&E because her November gas bill amounted to only \$72.55. She maintains that PG&E must be overcharging her since gas usage at her residence could not have increased two- or three-fold in August or in October 1981.

A hearing was held in Gilroy, California, on May 13, 1983, under the Expedited Complaint Procedure. At the hearing, Brownell stated that there are only three gas appliances at her home: a water heater, a furnace, and a swimming pool heater. She claimed that both the furnace and the swimming pool heater were turned off during the summer of 1981. She then argued that her water heater alone could not possibly have used the amount of gas that PG&E billed to her in August 1981.

PG&E was represented at the hearing by Robert S. West, Sr. Consumer Affairs Specialist, and Robert A. Stump, Customer Services Supervisor, in Gilroy. West presented PG&E's gas meter reading record for Brownell's residence which showed the following gas usage in 1981:

January	99 therms	May	73 therms	September	29 therms
February	83 "	June	44 "	October	42 "
March	107 "	July	69 "	November	79 "
April	91 "	August	362 "	December	102 "

(Exhibit 3)

West then explained that since the metered gas usage in August was unusually high, the gas meter was removed and tested on November 6, 1981. The meter test showed an error of only -0.6%, well within the accuracy limits prescribed in PG&E's tariffs.

After Brownell contested her August gas bill, PG&E canceled the \$225.10 billing covering the period July 10, 1981 to August 11, 1981, and issued a revised billing for the period May 11, 1981 to October 9, 1981 in the amount of \$344.64. This was done to give Brownell the benefit of unused lifeline and Tier II therm allowances in the May 11 to October 9 period. West stated that PG&E's meter reader may have misread the meter in May, June, or July and as a result transferred gas usage that occurred in May, June, or July to August. The revised billing gives Brownell the full advantage of the lifeline and Tier II allocations in May, June, and July by billing a portion of the August Tier III gas usage at the lower lifeline and Tier II rates. This redistribution of Brownell's metered gas usage lowers the average rate charged to Brownell by about 2¢/therm. (See Exhibit 2.)

Brownell misunderstood the reason for PG&E's revised billing and concluded that she was being overcharged twice. However, it is clear on the statement of account for Brownell that PG&E credited Brownell's account for the first billings covering the period May 11 to September 10 before charging her the revised bill for the period May 11 to October 9. A credit of \$344.31 was made on September 23, 1981. (See Exhibits 1 and 2.) Later, the revised billing of \$344.64 was entered on October 9, 1981. Accordingly, we find that PG&E has not charged Brownell twice for the same gas usage.

The remaining issue is the disputed gas usage of 362 therms shown in the August meter reading. PG&E maintains that the connected load at Brownell's residence, a water heater, furnace, and swimming pool heater, have the potential for using 362 therms in a single month. PG&E points out that its responsibility ends at the gas meter, which was tested and found to be accurate. PG&E submits that it cannot be expected to account for the manner in which a customer has used gas; only the customer can produce evidence or otherwise prove that gas use in the customer's home is different from the gas use registered on the meter.

In this case, the only evidence offered by Brownell is her statement that the furnace and swimming pool heater were not used during the summer. Brownell did recall that the swimming pool heater was turned on for a few hours over the Memorial Day weekend; she insisted, however, that the heater was not used in June, July, and August. Brownell's statement by itself does not persuade us that her actual gas usage must be less than the amount billed to her by PG&E. We note that other individuals in her household, relatives, family friends, and neighbors have access to her backyard swimming pool. The swimming pool heater is not enclosed or otherwise secured. (After the hearing, Brownell asked the hearing officer and PG&E representatives to inspect her home.)

The burden of proof rests upon the complainant to show that actual energy use is different from the energy use registered on a meter that is tested and shown to be within accepted limits for accuracy. In this case, PG&E has tested the meter and found it to be accurate. We have no reason to doubt PG&E's testing procedure. On the other hand, Brownell has not shown that her household was incapable of using the gas billed to her. Rather, we can find only that the gas appliances at her residence and the number of people with access to those appliances easily could have used the amount of gas at issue perhaps without Brownell's personal knowledge. Accordingly, we will deny Brownell's complaint.

O R D E R

IT IS ORDERED that the complaint is denied.

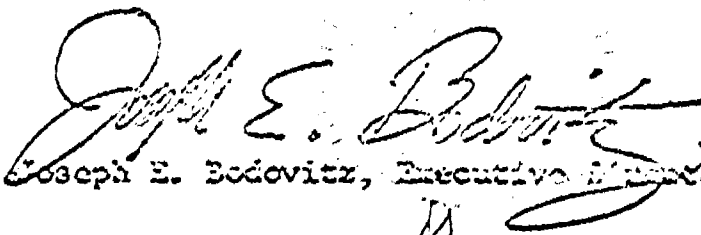
This order becomes effective 30 days from today.

Dated JUL 20 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO  
FRISCELLA C. GREW  
DONALD VIAL  
WILLIAM T. BACLEY  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director