

ORIGINAL

Decision No. 88517 FEB 22 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BIG J TIRE SALES, INC.
Complainant,

VS.

PACIFIC GAS AND ELECTRIC
COMPANY,
Defendant.

Case No. 10415
(Filed September 8, 1977)

O P I N I O N

Complainant seeks an adjustment in his January 1977 gas and electric bill. He leased certain premises on December 2, 1976 and changed all locks on the following day. The utility bill for the period December 8, 1976 to January 7, 1977 was \$81.29 for electricity and \$6.51 for gas. The bill complainant received in February (January 8 to February 3) had escalated to \$341.40 and \$119.33.

Complainant testified the premises were vacant from December 2, 1976 to early February, with the exception of two hours when the premises were checked by an electrician, about two days in December when work crews placed certain items on the premises, and one day in January, when a three-man crew installed two new doors. Complainant also admitted that a string of small lights in the back of the building was left burning day and night during December and January as a security measure. Defendant's representative admitted that the January bill indicated a minimum of 70 hours use of the heating and 200 hours on all of the lights. Complainant testified that he visited the premises on several occasions during January and the heat and lights were turned off.

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Defendant's representative testified that the premises are 100 by 160 feet, with a ceiling ranging from 12 to 20 feet in height. The premises have three large space heaters. A fourth heater is on the premises, but not connected. The \$341.40 is based on 6,780 kilowatt hours of use and the \$119.33 on 562 gas therms. The electric bill for the period from February 4, 1977 through March 8, 1977 was 4,260 kilowatts or \$222.24; gas service was discontinued on February 28, 1977 at complainant's request. The last gas bill was for 95 therms of use, amounting to \$19.48.

The premises were vacant in January, yet the December bill is less than one-fifth of the January bill. It is likely that an error was made in either reading the meters (perhaps prior to complainant's occupation of the premises) or in transcribing the information. We will authorize defendant to retain \$160 of the January bill, which is about twice the amount of the December bill. The remainder should be returned to the complainant.

Pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure, complainant and defendant consented to the Expedited Complaint Procedure and waived the presence of a court reporter and findings of fact and conclusions of law. The matter was heard on January 4, 1978 before Administrative Law Judge Fraser.

O R D E R

IT IS ORDERED that defendant shall pay to complainant the sum of \$300 as reparation for an overcharge on complainant's January 1977 gas and electric bill.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 22nd day of FEBRUARY, 1978.

President

Vernon L. Sturgeon

Robert D. Groat

Carl J. DeBriek
Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.