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ORIGINAL

Decision No. 88540 MAR 7 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HYMAN FINKEL, Complainant, vs. SOUTHERN CALIFORNIA GAS COMPANY, Defendant.	Case No. 10444 (Filed October 15, 1977)

Hyman Finkel, for himself, complainant.
Les Lo Baugh, Jr., Attorney at Law, for defendant.

OPINION

Complainant resides in an apartment building in the city of Los Angeles. He purchases gas from Southern California Gas Company (SoCal) for space heating and cooking. The apartment owner supplies him with hot water.

Complainant went on a five-week vacation in the summer of 1977. He contends that he did not use any gas during his vacation; that his gas bill for the full month of his vacation was only 52 cents less than when he was home and cooked and baked seven days a week for 30 days in the previous month; that he, his friends, and all customers of defendant who leave their dwellings for vacations (especially for lengthy vacations) have been "ripped off" by SoCal for a number of years; and that his bill should be corrected and he should receive reimbursement for overbillings. He requested that SoCal be required to advertise that they will shut off a customer's service when the customer goes on vacation.

After notice, public hearing was held in the city of Los Angeles on December 16, 1977 and the matter was submitted on that date.

Complainant did not question the accuracy of the gas meter supplying his apartment. Complainant brought up the issue of the reasonableness of SoCal's rates,[1/] which include a service charge and commodity charges, at the hearing. This issue was not clearly raised in the complaint. Complainant's gas use for the month ending June 21, 1977 was 13 therms. He did not turn off the gas pilot lights in his apartment during his vacation. The pilot lights in his apartment consumed 9 therms the following month. He contends that SoCal should not have a service charge in its rates; that he was chairman of and represented Seniors for Legislative Issues, a statewide organization; and that the cost of turning off his service and of subsequently contacting him to turn on the service and to relight pilot lights was already included in his rates. He also testified that he would not turn off and turn on his pilot lights because he did not know how to do it.

1/ In raising the issue of the reasonableness of SoCal's rates, complainant did not comply with the following portion of Rule 9 of this Commission's Rules of Practice and Procedure:

"No complaint shall be entertained by the Commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, or telephone corporation, unless it be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city or city and county within which the alleged violation occurred, or by not less than 25 actual or prospective consumers or purchasers of such gas, electric, water, or telephone service. (See P.U. Code, Sec. 1702.)"

This dispute was initially processed as an informal complaint. Complainant was advised of the basis of SoCal's billings. SoCal found no leaks associated with the service, checked the meter serving complainant and found it to be operating within the required accuracy limits.

A SoCal witness testified that typical pilot light use for the types of appliances used by complainant would be approximately 10 Ccf (hundreds of cubic feet) per month or 10 to 11 therms; that actual use[2] would vary with different types of equipment, manufacturing, and pilot light settings; that SoCal's customer charge is primarily a readiness-to-serve charge which partially covers the fixed costs of having gas service available to its customers when they want it and in the quantity they desire; that fixed costs were $5.70 per customer per month, or $2.60 per month more than the customer charge; that when a customer calls and requests to have his gas service discontinued while on vacation he is asked how long he expects to be away in order to make advance arrangements for getting into the premises, to relight and adjust pilot lights, ~~and to check for leakage or to shut off the service during~~ extended trips. SoCal does not advertise this service because its average cost per customer is $12.60, exclusive of advertising, and if most of its customers followed this procedure its expenses could increase by about $37,000,000.

2/ A neighbor of complainant, living in the same apartment building and using the same type of appliances as complainant, testified that his summer bills were about $3.60. His use would be 4 therms. SoCal speculates that the meter serving the latter's apartment might be underregistering.

Discussion

SoCal sold gas to complainant at the rates found just and reasonable by this Commission through a meter meeting the required accuracy limits. Arguments as to the reasonableness of SoCal's rates cannot be considered in this decision because of complainant's failure to comply with Rule 9 of the Commission's Rules of Practice and Procedure. The pilot lights in complainant's apartment are capable of using the gas billed to complainant during his vacation. The appropriate level of SoCal's service and commodity charges is being considered in A.57639.

Complainant did not provide evidence or a convincing argument for requiring SoCal to advertise its vacation turn-off and turn-on service. There is a safety hazard if a pilot light is not properly relighted or adjusted.

While gas savings and billing reductions would be achieved if pilots are closed off during vacation periods, the cost of this service is high. It may be necessary to establish a service charge for turning service off and for reestablishing such service.

Processing requests for this type of service creates additional energy demands, particularly for increased vehicular use.

The Commission is encouraging the development of new and retrofit ignition systems to eliminate the need for pilot lights on gas appliances at any time.

Findings

1. The complaint is based upon the allegation that complainant did not use any gas while he was on a vacation.

2. The pilot lights of the gas appliances in complainant's apartment were not turned off when he was on vacation.

3. These pilot lights were capable of utilizing all of the consumption billed during complainant's vacation.

4. The meter measuring complainant's usage was accurate.

5. SoCal's charges to complainant were based on its authorized rates. The issue of the reasonableness of SoCal's authorized rates cannot be considered herein because of the failure of complainant to comply with Rule 9 of the Commission's Rules of Practice and Procedure.

6. SoCal should not be required to advertise its service for discontinuing and reestablishing service to a premise.

The Commission concludes that the relief requested should be denied.

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O R D E R

IT IS ORDERED that the relief requested is denied.

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

Dated at San Francisco, California, this 7th day of MARCH, 1978.

Robert Batinovich
President

William Symons Jr.
Vernon L. Sturgeon
Richard D. Gravelle
Claire T. Dedrick
Commissioners