

Decision No. 88598 March 21, 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALMA C. DAVIS and  
STEVEN LeR. ELSWICK,

Plaintiffs.

v.

PACIFIC GAS AND ELECTRIC  
COMPANY, a corporation,

Defendant.

Case No. 10232  
(Filed January 11, 1977)

Steven Elswick and Alma C. Davis, for themselves,  
complainants.  
Kathy T. Graham, Attorney at Law, for Pacific Gas  
and Electric Company, defendant.  
Vernon G. Putnam, for the Commission staff.

O P I N I O N

By this complaint, Alma C. Davis and Steven LeR. Elswick, her son, allege that the two electric meters of Pacific Gas and Electric Company (PG&E), a corporation, serving their pet shop, the Fort Bragg Pet Shop, at 430 $\frac{1}{2}$  and the residence at 430 North Franklin, Fort Bragg, are running irregularly; that both buildings had previously been served by one meter; and that since the two meters were installed, the electric bills for the buildings have doubled; that they contacted PG&E regarding this problem; and that they have received no satisfaction from PG&E regarding their complaint. They requested that the matter be set for hearing in Fort Bragg and that a determination be made of the correctness of the meters and the billings. Two checks totaling \$218.78 have been deposited with the Commission in connection with the disputed bills.

By its answer, PG&E alleges that it has tested the two meters; that the tests showed that both meters were accurate and operating

within the limits prescribed for accuracy by the Commission; that company personnel have met with both parties to check their previous bills and the amount of electric service that was furnished; and that as a result of this investigation, it believes that its billings for both meters have been accurate. Defendant requests that the complaint be dismissed.

Public hearing was held before Administrative Law Judge Arthur M. Mooney in Fort Bragg on June 28, 1977, on which date the matter was submitted.

Mr. Elswick testified as follows on behalf of complainants: The pet shop (430 $\frac{1}{2}$  North Franklin) is on the same parcel of land and directly behind the residence (430 North Franklin). His mother, Mrs. Davis, has leased this property for about two years. Approximately a year ago he took over the management of the pet shop for his mother. The pet shop had originally been in the building in front but was later moved to the rear building. The residence was occupied for a time by complainants and was rented to a tenant in March 1977. The pet shop carries hamsters, guinea pigs, birds, and some fish. Initially both buildings were on the same electric meter, and according to his understanding, a commercial rate was applied. To separate the billing for the residence and the pet shop, each building was put on a separate meter on or about September 3, 1976. The last monthly billing with the single meter was \$77.81, and with the individual meters, the first full month billing for the residence was \$64.05 and for the pet shop was \$70.44. This was nearly double what the charge had been with the single meter. He complained to PG&E about this. It ran a test on the meters around November 1976, and its representative informed him that the meters were accurate with a slight error in favor of the customers and that a 220-volt space heater and fish tank heaters were using a substantial amount of energy in the pet shop. The 220-volt heater was not operating at that time. He disconnected about half the fish tank heaters. Nonetheless, the monthly billing for the shop continued to climb. He again asked PG&E to look into this, and it again tested the meters on May 17, 1977. Its representative again told him that the meters were accurate and

that the 220-volt space heater and remaining fish tank heaters were drawing a substantial amount of energy in the pet shop. The weather has been moderate and should have little effect on his electric bills. He has now taken out or disconnected about 75 percent of the electrical fixtures and appliances in the pet shop, and the electric bills for it remain inordinately high. He presently has only four fluorescent light fixtures operating with two bulbs each, an air compressor with a three-quarter horsepower motor, and three 50-, two 75-, and one 120-watt tank heaters connected in the pet shop. These operate only part time, and the water in the fish tanks is maintained at around 58 degrees. Complainants have had several problems in the past with PG&E involving other buildings and received no satisfaction in connection with them. At the time the complaint was filed, Mr. Elswick deposited \$218.78 with the Commission which was the amount owing to PG&E at the time. No further deposits or payments have been made since then. He requests that the problem he has experienced with the meters be corrected and that an appropriate adjustment be made in the past billings. He also stated that he felt the rate level was too high.

According to PG&E's Exhibit 1, the following major electric items were in the residence prior to March 15, 1977 when it was occupied by complainants: a 3,000-watt Thermador wall heater, a 4,000-watt Wesix wall heater, a 4,500-watt National water heater, and four 250-watt heating lamps. Mr. Elswick explained that the Wesix heater was not installed until around November 1976 and that he does not remember any heating lamps in the house before it was rented to a tenant and complainants' account for it was closed.

According to PG&E's Exhibit 2, the following electric items were in the pet shop at one time: a 5,600-watt space heater; twenty 40-watt fluorescent lights, five of which were burned out; four 100-, one 150-, and thirteen 50-watt fish tank heaters; a 250-watt air pump for the fish tanks; and a 357-watt freezer. Mr. Elswick explained that the fluorescent lights were in fixtures with four lights to a fixture. Also, as pointed out above, he stated that many of these items have been disconnected or taken out.

Following is a summary of the tabulation in PG&E's Exhibits 4 and 8 of the kilowatt-hours used and the amount charged for the two buildings for the monthly billing periods from June 1975 through June 1976:

Single Meter for Both Buildings

<u>Billing Date</u>	<u>Kilowatt-Hours Usage</u>	<u>Amount Billed (1)</u>
6-11-75	1119	\$ 52.90
7-11-75	793	38.75
8-11-75	657	32.45
9-10-75	759	37.18
10-9-75	1159	56.08
11-10-75	1546	73.20
12-10-75	2226	99.77
1-12-76	2927	122.93
2-10-76	2528	109.75
3-11-76	3524	142.67
4-9-76	3180	131.30
5-11-76	3366	137.45
6-10-76	2421	106.21
7-12-76	2322	106.58
8-10-76	1990	95.44
9-10-76	2739	77.81 (2)

- (1) A-4 Commercial Rate to 8/9/76.
- (2) D-4 Domestic Rate effective 8/10/76.

Separate Meter for Each Building

<u>Billing Date</u>	<u>Residence</u>		<u>Pet Shop (1)</u>	
	<u>Kilowatt-Hours Usage</u>	<u>Amount Billed (2)</u>	<u>Kilowatt-Hours Usage</u>	<u>Amount Billed (3)</u>
10-11-76	2624	\$76.72	0	\$ 2.25
11-10-76	2147	62.87	1252	68.22
12-11-76	1684	45.96	2018	104.78
1-11-77	2090	57.82	2250	117.15
2-9-77	1668	47.28	1571	93.82
3-11-77	1298	34.37	1578	94.21
4-11-77	118	3.38 (4)	1431	86.19
5-10-77			1093	74.05
6-10-77			858	59.80

- (1) Pet Shop meter set 9/3/76.
- (2) DLXC Domestic Lifeline Rate.
- (3) A-4 Commercial Rate.
- (4) Complainants' residence account closed 3/15/77.

PG&E's supervisor of consumer services in its general office testified that his company tested the two electric meters in question on May 17, 1977; that he was present when they were made; and that the results of the tests are set forth in Exhibits 6 and 7. He pointed out that Exhibit 6 shows correction factors for meter 80H416 which serves the pet shop of 1.001 at light load and 0.996 at full load which convert to one-tenth of one percent slow and four-tenths of one percent fast, respectively; that Exhibit 7 shows correction factors for meter A67 519 which serves the house of 0.998 at light load and 0.997 at full load which convert to two-tenths and three-tenths of one percent fast, respectively; and that both meters were operating within the limits established for accuracy by the Commission, which limits are two percent fast or slow. A utility engineer of the Commission staff testified that he was present at the May 17, 1977 meter tests; that he made tests of his own; and that he concurs with the results shown in Exhibits 6 and 7.

The manager for the Fort Bragg area for PG&E was called as a witness by complainants under Section 776 of the Evidence Code and testified that PG&E has received other complaints from the complainants; that he discussed the complaint with them and informed them that weather could be a factor in the billings they have received; that although the weather has been moderate recently, it was colder during the winter and particularly at night during that period; that he also explained to them the basis for the rates and charges that were assessed; that there are now less fish tanks and connected electrical appliances in the pet shop than before; that this is reflected in the drop in the kilowatt-hours and charges shown in the last several billings; that he read the pet shop meter today, and it shows that 423 kilowatt-hours were used since the meter was last read 18 days ago; that projecting this for a full month, he estimates that the next monthly billing will show a usage of 714 kilowatt-hours and a charge of about \$51; and that this would further reflect the additional curtailment of electric usage in the pet shop.

Discussion

The issue for our determination is whether the electric meters were accurately registering the kilowatt-hours usage by the pet shop and house. Other than the meters, there is no other reasonable measure available to us from which to determine the electric usage. Based on the results of the meter tests on May 17, 1977 by PG&E set forth in Exhibits 6 and 7, which results were confirmed by the staff engineer, they were operating within the limits of accuracy prescribed by the Commission. From this, it can reasonably be presumed that meter 80H416, which had previously served both the pet shop and the house and now serves the house, and meter A67 519, which now serves the house, were operating within these limits of accuracy at all times during the time period in question.

We recognize that complainants have been taking steps to conserve electric energy in the pet shop by disconnecting and curtailing the usage of various electrical equipment and appliances. This has been reflected in the decline in the amount of electric usage and charges in the latter billings listed for the pet shop in the summary tabulation above.

Findings

1. On May 17, 1977, electric meter 80H416 which measures service to complainants' pet shop indicated 0.1 percent slow at light load and 0.4 percent fast at full load.
2. On May 17, 1977, electric meter A67 519 which measures service to the house in front of the pet shop indicated 0.2 percent fast at light load and 0.3 percent fast at full load.
3. The meters referred to in Findings 1 and 2 are within the accuracy of 2 percent prescribed by this Commission.
4. Complainants have used the amounts of electricity for which they were billed for the pet shop at 430 $\frac{1}{2}$  and the building at 430 North Franklin, Fort Bragg.

Conclusion

The complaint should be denied.

O R D E R

IT IS ORDERED that:

1. Complainants are denied any relief.
2. The Executive Director shall release to defendant the \$218.78 deposited with the Commission by complainants in conjunction with this complaint.
3. The time within which complainants shall be required to pay any other amounts which may be due from complainants to defendant for electric service provided to complainants' pet shop at 430 1/2 North Franklin, Fort Bragg, and to the residence at 430 North Franklin, Fort Bragg, prior to March 21, 1978, is extended to August 21, 1978.

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

Dated at San Francisco, California, this 21st day of MARCH, 1978.

Robert Bateman  
 President  
William J. ...  
Vernon L. ...  
Thomas W. ...  
Clare T. ...  
 Commissioners