

ORIGINAL

Decision No. 88878 MAY 31 1978
 BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joseph Warren McPherson,
 Complainant,

Case No. 10417, vs. Pacific Gas and Electric Company,
 (Filed September 16, 1977)

Pacific Gas and Electric Company,
 Defendant.

Joseph Warren McPherson, for himself,
 complainant.
Malcolm H. Furbush and Shirley Woo,
 Attorneys at Law, for Pacific Gas and
 Electric Company, defendant.

OPINION

This case involves the alleged payment of \$94.76 for gas and electric service. Joseph Warren McPherson (complainant) alleges that on December 28, 1976 he went to the Oakland office of Pacific Gas and Electric Company (defendant) to pay his utility bill. Because he did not have the bill with him he was sent to the service desk where a collection receipt was prepared in triplicate. The collection receipt was then taken to a cashier's window where payment was made, and the entire duplicate bill was returned to complainant. The duplicate was returned without a validation stamp. The complainant avers that when the bill was paid, neither the service clerk nor the cashier informed him that it was necessary to have the receipt validated; that defendant's Oakland office does not contain a sign explaining the procedure for making cash payments; and that the receipt itself does not contain an explanation of any procedure or the need for a validation stamp.

Complainant also alleges that on or about January 17, 1977 a call was received from defendant's Concord office concerning the outstanding bill. During the conversation complainant was asked whether the receipt was stamped paid and how many copies of the receipt were in his possession. He answered that it was not stamped and that he had all three copies. When informed that he had defendant's office copy, complainant returned to the Oakland office where the problem was explained to a supervisor. The supervisor stated to complainant there was no record of a cash overage on or about December 28, 1976 but the circumstance would be investigated. On or about January 21, 1977 defendant's office in Concord again contacted complainant advising that there was no record of payment and that the bill was still outstanding and due.

Complainant contacted the Commission and was advised to reach an agreement with defendant. When an agreement could not be reached with defendant, this complaint was filed. Payment of \$94.76 was made to the Commission on September 7, 1977 and impounded under Account No. IM-2562-E.

Complainant contends that since there is no explanation of the cash payment procedure posted in defendant's offices or on the cash receipt prepared at the service counter, defendant makes the public vulnerable to the honesty of defendant's employees and requests the Commission to order a refund of \$94.76 plus reimbursement for lost wages, travel expense, phone calls, and mental anguish inflicted by defendant.

In its answer, defendant denies all allegations in the complaint relative to receipt of payment of the bill admitting only that complainant was contacted by the Concord office on or about January 17 or 18, 1977; that complainant visited the Oakland office on or about January 17 or 18, 1977; and that complainant was contacted on or about January 21, 1977 by the Concord office to discuss the results of its investigation.

Defendant alleges that the receipt referred to by complainant shows the need for a validation on its face; that the bill for utility service in the amount of \$94.76 is still outstanding; and prays that the relief requested be denied.

Public hearing was held February 24, 1978 at San Francisco at which time the matter was submitted.

At the hearing complainant restated the allegations contained in the complaint. During cross-examination complainant introduced as Exhibit 1 the receipt alleged to have been received from defendant on December 28, 1977. Exhibit 1 is a form in triplicate with a heading "Pacific Gas and Electric Company Collection Receipt". It has space for the name and address of the payee, for the name of the person who received the payment, the date, the amount received, three lines of code boxes, and space for a validation stamp. Page 1 is marked "Accounting Copy", page 2 "Customers Copy", and page 3 "Office Copy". Exhibit 1 is dated December 28, 1976 showing Joseph McPherson, 2700 Oak Road, #14, Walnut Creek, paying the amount of \$94.76. There is no validation stamp on any copy nor any initial of an employee receiving the alleged payment.

Defendant presented the customer services supervisor of its Oakland office, Mr. Alonzo McLeod. Mr. McLeod stated that the bill in question covered services for the months of October, November, and December 1976; that on January 18, 1976 the Concord office telephoned the complainant and explained that the bill was past due and requested payment, and that after stating he had paid the bill but had all three copies of a receipt, complainant visited the Oakland office and talked to a supervisor who checked but could not find a record of payment. The supervisor explained to complainant the procedures for making payments and that after examination did not find any discrepancies in the service receipts and cash taken on December 28, 1976.

Defendant presented the supervisor of its Concord office, Mr. Alonzo McLeod. Mr. McLeod stated that the bill in question covered services for the months of October, November, and December 1976; that on January 18, 1976 the Concord office telephoned the complainant and explained that the bill was past due and requested payment, and that after stating he had paid the bill but had all three copies of a receipt, complainant visited the Oakland office and talked to a supervisor who checked but could not find a record of payment. The supervisor explained to complainant the procedures for making payments and that after examination did not find any discrepancies in the service receipts and cash taken on December 28, 1976.

Mr. McLeod stated that about one-third of the customers visiting the Oakland office pay their bills without bringing a copy of the bill. He stated that the established procedure for payment under these circumstances is as follows: (1) The account number is determined by using the customer's address, (2) the service counter prepares a duplicate receipt in triplicate, (3) the customer goes to the cashier's window and tenders the duplicate bill and payments, (4) the "customers copy" of the three-part duplicate bill is stamped with a "cash received" stamp and initialed by the clerk receiving payment, and (5) the customer's copy is returned to the customer as evidence of payment, and (6) the two remaining copies remain in the office.

Finally Mr. McLeod stated that there have been no other problems with the procedure utilized and that he did not believe complainant paid his bill because there is no record of payment in defendant's office, there were no cash discrepancies on December 28, 1977, the complainant has no validated receipt, and the complainant has all three copies of the receipt which he would not have if the bill had been paid.

The issue to be resolved is whether complainant made payment of his utility bill in the amount of \$94.76 as alleged. The evidence and testimony introduced at the hearing would indicate that payment was not made.

Defendant researched its records and complainant's account and could find no record of payment. Had payment been made by cash or check without an offsetting office copy, there would have been a cash overage. There was none. When asked for a validated receipt, complainant could only produce the duplicate bill as prepared by the service desk.

As to the allegation that perhaps a dishonest employee retained the payment and failed to report any overage, defendant stated that the records of the cashiers working December 28, 1976 were good and there was no reason to question their honesty. In addition, these same employees receive hundreds of such cash payments daily without encountering the type of problem alleged herein.

Complainant's argument that defendant should be required to post signs to advise customers of the procedure to be followed for making payments and that customers should be alerted to get a validated receipt is not valid. The verbal instruction given at the service desk is superior to a sign outlining a step-by-step procedure. In addition, the preparation of the duplicate bill at the service counter and payment to a cashier would appear to be designed to eliminate the type of error alleged. If, as argued by complainant, the duplicate in his possession without a validation stamp was proof of payment, all customers could avail themselves of such an argument and no bills would be paid.

The relief requested should be denied.

Findings

1. Defendant provided electric and gas utility service to complainant and tendered a bill in the amount of \$94.76.
2. Defendant accepts cash payments for utility service at offices throughout its service area pursuant to the following procedure:
 - (a) A customer who does not have a bill is directed to a service counter.
 - (b) The clerk at the service counter determines the customer's account number based on the name and service address.
 - (c) The service clerk makes a duplicate bill in triplicate at which time the customer is instructed to proceed to the cashier's window.
 - (d) The cashier receives the customer's money, validates the customer's copy, gives the customer his copy, and retains the office and accounting copies.

3. Defendant's procedure to accept cash payment for utility bills at local offices is satisfactory.

4. Defendant's records indicate complainant's bill for the months of October, November, and December 1976 is still outstanding.

5. Complainant's only proof of payment is the duplicate bill as would be prepared at the service desk. Complainant has no validated receipt as proof of payment.

6. Defendant's records disclose no cash discrepancies in the Oakland office for December 28, 1976, the date complainant alleges payment was made.

7. Complainant remitted \$94.76 to the Commission on September 7, 1977 which was impounded under Account No. IM-2562-E.

8. Complainant's utility bill for the months of October, November, and December 1976 has not been paid to or received by defendant.

Conclusions

1. Complainant did not pay defendant the utility bill tendered for service for the months of October, November, and December 1976.

2. The relief requested should be denied and the monies impounded under Account No. IM-2562-E should be released to defendant for credit to complainant's account.

ORDER IT IS ORDERED that:

1. The relief requested is denied.

2. The monies impounded in Account No. IM-2562-E shall be released to Pacific Gas and Electric Company to be credited to the account of complainant Joseph Warren McPherson.

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

Dated at San Francisco, California, this 31st day of MAY, 1978.

I dissent:

The procedures here employed by PGE have contributed to the problems presented in this complaint. On that basis I can not absolve it from liability.

Richard D. Howell
May 31, 1978

Robert Bateman
President

William J. Quinn

Vernon L. Sturgeon

Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.