

ORIGINAL

Decision No. 88935 JUN 13 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WAYNE E. EKSTROM,

Complainant,

vs.

SAN DIEGO GAS & ELECTRIC CO.,

Defendant.

(ECP)

Case No. 10504

(Filed February 21, 1978)

Wayne Ekstrom, for himself, complainant.
John R. Stobbs and Walter J. Scott, for
defendant.

OPINION AND ORDER

This is an Expedited Complaint Procedure pursuant to Rule 13.2 of the Rules of Practice and Procedure and Section 1702.1 of the Public Utilities Code. Public hearing was held before Administrative Law Judge Wright in San Diego on April 26, 1978.

The evidence of the parties shows that complainant is a customer of defendant's electric department, that he moved into his apartment in April 1977, that there was an existing electric meter for his apartment, that he made positive efforts to conserve energy after the second month of his tenancy, and that the following bills were rendered and paid: April, \$47.98; May, \$59.13; June, \$60.03; July, \$26.19; August, \$32.30; September, \$35.16; October, \$19.61; November, \$185.84; December, \$54.08; and January 1978, \$66.23.

Complainant testified that his use of electricity in November was less than usual and believes the bill of \$185.84 is excessive for that month, urging that he be credited for the difference between his average monthly bill (\$40.06) and the November bill of \$185.84, that his meter be changed at defendant's expense, and that future bills reflect actual meter readings.

Defendant admits that the November bill is excessive and suggests that there must have been an underreading of the meter for each of the previous four months. Defendant points to its duty to collect without discrimination for all energy consumed. However, the only reading that defendant could confirm as accurate was that of March 29, 1978 when the meter was replaced. It should also be noted that defendant is continuing to cooperate with complainant, having arranged to make a ground check of complainant's premises for electric leakage following the date of the hearing.

We acknowledge defendant's obligation to charge and collect for all energy supplied to its customers, but here we are unable to ascertain whether any of the meter reads was correct. Further, an estimate of complainant's monthly use prepared during the hearing seems to substantiate complainant's view that the lower months' reads are most accurate. In these circumstances and given the short use history of complainant, we think it as fair to reason that the error in the meter read was carried forward from the prior tenant.

We accordingly find for complainant, adopt his estimate of use for November, and

IT IS ORDERED that complainant be credited on his electric bill with the sum of \$145.78 by San Diego Gas & Electric Company.

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

Dated at San Francisco, California, this 13th day of JUNE, 1978.

I dissent.
William Spoons, Jr.

Robert R. Babin
President

Vernon L. Sturgeon
Charles D. Goble
Clair T. Dechail
Commissioners