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ORIGINAL

Decision No. 88936 JUN 13 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MICHAEL GATTO,
 Complainant,
 vs.
 SOUTHERN CALIFORNIA EDISON
 COMPANY,
 Defendant.

Case No. 10503
(Filed February 17, 1978)

Michael Gatto, for himself,
complainant.
Donald L. Milligan, for the
defendant.

OPINION AND ORDER

The complainant disputes an electric bill rendered for 3194 kilowatt-hours (Kwh) estimated by the defendant to have been used during the period from February 3, 1977 to June 13, 1977 during which time the defendant alleges the complainant's electric meter was tampered with and placed in an upside-down or inverted position by the complainant. The complainant seeks reparation in the amount of \$186.90 which he contends he was overcharged for the period and claims his meter was in an inverted position for only one day. The defendant contends the amount in dispute is actually \$131.95, which represents the difference between the amount originally billed and the amount subsequently rebilled for the period from February 3 to August 1, 1977. In addition, the complainant

alleges that his bills are too high and that his neighbors' bills are lower than his although they are consuming more electricity than he is.

This matter was heard in Los Angeles on April 19, 1978 by Administrative Law Judge William A. Turkish under Rule 13.2 of the Commission's Rules of Practice and Procedure (Expedited Complaint Procedure) and submitted on that date.

The complainant testified on his own behalf. The defendant's employees Donald A. d'Ablaing, a customer serviceman; David G. Karnos, supervisor of field testing; and Herbert Robings, city area manager in the complainant's area; testified on its behalf.

The complainant testified to the fact that he thought his electric bills were too high and he failed to understand why they kept increasing. He testified that in June 1977 he was in the process of painting the exterior of his house on weekends and that on June 12 he removed the electric meter servicing his house in order to clean the paint from the glass. He stated that in his haste to clean up due to the onset of darkness, he unknowingly reinstalled the electric meter in an upside-down position. He testified that on the following day the defendant's serviceman appeared and wished entrance to read the meter. He further testified that the serviceman informed him that the meter was upside down and that the serviceman restored the meter to its proper position and locked it. He testified that he failed to get a bill in June but in August he received a letter from the defendant informing him that due to the inverted meter he was being rebilled for the period from February 3 to June 13, 1977 based on his estimated consumption for that period.

Witness d'Ablaing testified that he discovered the complainant's meter in an upside-down position on June 13, 1977 when he went to verify the June 2, 1977 reading which was questioned because it read lower than the two previous meter readings taken on April 4 and February 3, 1977. He testified that he momentarily left the meter in its upside-down position to return to his truck and obtain a lock, and that upon his return he found the meter had been uprighted to its proper position. He then locked the meter, took the reading of 64178, and made a report that the meter was found upside down. A pick-up reading was made on June 28 with the meter registering 64654. These readings of the meter in its locked position reflect an average daily consumption of 31.7 Kwh for the 15-day period.

Witness Karnos testified that when a meter, such as is in service at complainant's residence, is placed in an upside-down position, the polarity is reversed and the meter will register consumption in a descending numerical sequence rather than in the normal ascending manner. In other words, the meter indicates decreased consumption as long as the meter is inverted. The witness testified that a meter test was conducted on January 4, 1978 and the meter was found to be operating properly within the tolerance permitted by defendant's filed tariffs.

Witness Robings testified that the June 2 meter reading of complainant read less than both the April 4 and February 3, 1977 readings. For this reason complainant was not issued a June bill and a verified reading was ordered and taken on June 13th when the tampered meter was discovered. He further testified that the August 1 reading was incorrect because the consumption reflected the incorrect June 2 reading. He

testified that the readings of the meter during the 15-day period following the discovery of the tampering showed actual consumption of 476 Kwh or a daily average consumption of 31.7 Kwh. Using this figure as a basis, the defendant estimated the total consumption for the period from February 2 to June 13, 1977 to be 4121 Kwh and from this amount deducted 927 Kwh which was incorrectly registered and billed to the complainant during that period. The defendant added 1779 Kwh, which reflected the electric energy actually consumed between June 13 and August 1, 1977, to the 3194 Kwh estimated to have been used during the February 2-June 13, 1977 period, for a total billing of \$131.95.

Discussion

There is no question but that the complainant removed the electric meter measuring the electric energy consumed by him and thereafter replaced it in an upside-down position causing it to show a decreasing amount of energy being consumed rather than in an increasing register of the amount of consumption. This fact is established by the complainant's own testimony. What is placed into issue, however, is the length of time the meter was in such inverted position and the amount of Kwh actually consumed but not accurately reflected by the meter readings. The complainant contends that the meter was removed and inadvertently replaced in an inverted position for only one day before its discovery by the defendant's representative. We are not persuaded by the complainant's testimony when weighed against the preponderance of evidence presented. It is contended by the defendant that the tampering occurred sometime between the February 3 and the April 4 meter readings, and we are inclined to agree. It is during this period that

the evidence shows a sudden drop in the complainant's consumption when compared to his consumption for the previous 12-month period. In addition, the June 2 reading is lower than both the April 4 and February 2, 1977 meter readings. Since the complainant's meter was tested for accuracy and found to be accurate, there is no possible way for the meter to read lower than two previous readings if it were inverted only one day, as alleged by the complainant. It is also noted that the complainant actually consumed a daily average of 31.7 Kwh for the 15-day period following discovery of the tampered meter. This is consistent with the daily average consumption of 31.1 Kwh during the 12-month period preceding the February 2, 1977 reading and inconsistent with the 15.5 Kwh consumption registered by the meter between February 3 and April 4, 1977, with no evidence presented by complainant to account for such drop.

Thus, although the actual date of tampering with the meter cannot be ascertained with certainty, some starting point must be designated from which to determine the estimated amount of electric energy consumed but not accurately registered because of the complainant's tampering of the meter. We believe it reasonable to deem February 2, 1977 as the last accurate reading from which to estimate consumption, if for no other reason than because it reflects consumption consistent with that amount of electric energy consumed by the complainant for the preceding 12 months. We also find that the amount of estimated consumption for the disputed period, using as a basis the daily average of 31.7 Kwh found to have been consumed during the 15-day test period, to be reasonable.

With respect to the complainant's contention that his bills are higher than those of his neighbors or that his bills are too high, there was no evidence presented to support such allegations. Thus, the complainant's unsupported testimony is given little credence.

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 13th
day of JUNE, 1978.

Robert Bateman
President
William Quinn Jr.
Vernon L. Sturgeon
Gaylord D. Corvick
Clair J. DeRish
Commissioners