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Decision No. 89121 JUL 25 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Viola Calokerinos,)
 Complainant,)
 vs.)
 So. Calif. Gas Co.,)
 Defendant.)

(ECP)
Case No. 10533
(Filed March 28, 1978)

Viola Calokerinos, for herself,
complainant.
Robert B. Puckett, for defendant.

O P I N I O N

The complainant alleges that the defendant has billed her an excessive amount for gas service during the billing periods from December 7, 1977 to January 10, 1978, and from January 10 to February 8, 1978. She was billed \$9.52 and \$8.87, respectively, for those periods. The complainant has deposited \$15 with the Commission with respect to those billings pending the outcome of her formal complaint and she requests that her bill be adjusted downward to this amount.

In its answer the defendant denies that the complainant has been excessively billed and alleges that in response to complainant's high bill complaint, her meter was changed for special testing and in addition to verifying the

serviceman's previous meter reading, found the test results indicating +.05 on the check test and +.5 on the open tests, well within the limits permitted by the Commission.

A hearing was held in Los Angeles on June 9, 1978 before Administrative Law Judge William A. Turkish pursuant to Section 1702.1 of the Public Utilities Code and Rule 13.2 (Expedited Complaint Procedure) of the Commission's Rules of Practice and Procedure and the matter was submitted on that date.

The complainant testified for herself as follows. She left Los Angeles on December 16, 1977 for Portland, Oregon, where she remained until January 4, 1978. During her absence, she claims all the gas outlets in her home were shut off. On the day she left Los Angeles, the defendant's representative replaced her gas meter. She stated that after her return to Los Angeles, she had to go to the hospital every day for physical therapy on an out-patient basis and that she shut off all her gas appliances when she left for the hospital each day. She feels that she did not consume the amount of gas as billed by the defendant during the periods in question because of her absences from home. She feels that the \$15 deposited with the Commission is more reasonable for the amount of gas consumed rather than the \$18.39 she was billed for the two-month period. She refuses to pay more.

Robert B. Puckett testified for the defendant as follows. The complainant has been complaining of high bills for some 14 months. Each time the defendant investigated and found either no basis for the complaints or that some bills were estimated bills because the meter readers were unable to gain access to the complainant's meter. An investigation was

conducted on December 16, 1977 in response to the complainant's most recent complaint of a high bill. The serviceman's reading on that date verified the December 7, 1977 regular meter reading. A test of the equipment and gas lines revealed no gas leakage. On December 20, 1977 the complainant's gas meter was replaced and tested for accuracy. It was found to be operating at +.5 percent accuracy, well within the range permitted by the Commission. The January 4, 1978 meter reading was estimated because the complainant was not home to admit the meter reader. On January 18, 1978, the defendant again read the complainant's meter as requested by her and found the meter registering 839 which verified the defendant's previous estimation at 832. An offer was made to send the complainant a prorated and corrected billing for \$8.36 based on a meter reading of 823. This would reduce the bill for the period of the previously estimated bill of \$9.52 by \$1.16. The complainant declined this offer, contending that it was still too high.

At the request of the Administrative Law Judge, the defendant removed the complainant's most recent meter for testing the day following the hearing and the test results indicate the meter to be operating 1.2 percent slow on the pilot check test and 1.0 percent slow on the open, unrestricted test.

Discussion

There is no evidence to support the complainant's contention that she was charged excessively for the amount of gas consumed. Although she was gone from her residence from December 16, 1977 to January 4, 1978 and did not consume any gas, there were 17 other days in the December 7-January 10 billing period when she was home and had her gas appliances and heater operating.

Her concern that her gas bill is too high is undoubtedly a concern shared by many gas consumers. However, it is a fact of life that the cost of gas has increased sharply in recent years. Gas utilities must pass on these increased costs from its suppliers to the consuming public. It is the responsibility of the Commission to protect the interest of the consuming public by allowing only those increases which are deemed justified.

~~Since~~ The complainant's meters have been tested and found to be operating within the limits of accuracy allowed by the Commission, ~~the Commission must accept their reflection of gas consumed by the complainant rather than on the amounts the complainant believes she may have consumed.~~ Even though the defendant offered to prorate her January bill to a lower figure, it would have increased her bill for the February period. Thus, it would not have affected her total consumption for the period.

O R D E R

IT IS ORDERED that:

1. The relief requested is denied.

2. The amount of \$15 heretofore deposited with the Commission shall be issued to the defendant and an additional amount of \$3.39 shall be paid by complainant to defendant for gas service for the periods December 7, 1977 to January 10, 1978 and from January 10 to February 8, 1978.

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

Dated at San Francisco, California, this 25th day of JULY, 1978.

Robert Buttrick
President
William S. Grouse Jr.
Yvonne L. Sturgeon
Richard P. Howell
Clare T. DeSire
Commissioners

I concur:
see attached
Richard P. Howell

C. 10533
D.

RICHARD D. GRAVELLE, Commissioner, Concurring:

I concur with the majority on the strict merits. But essentially this dispute involves \$3.39. (The difference between \$18.39 for which the complainant was billed and the \$15.00 she believes to be reasonable.)

Utilities are sometimes referred to as "cost plus" businesses, implying that they are not cost-conscious because they can, and generally do, recover all expense associated with doing business. Apparently, because the defendant utility maintains a consumer affairs division, the expense for which we allow when ratemaking, it thinks nothing of spending what I would estimate to be in excess of \$100 of its money, plus an equal amount of cost to the Commission, defending a position involving less than four dollars. The problem with the existing system is that SoCal has no real avoidable expense savings available if it informally resolved the dispute, as would most unregulated business. This Commission, which deals with a tremendous workload, bears the brunt of SoCal's position of luxury.

Surely the sky would not fall if SoCal were to informally resolve such minor billing disputes, and I urge SoCal's corporate management to re-evaluate its policies with respect to such minor complaints.



RICHARD D. GRAVELLE, Commissioner

San Francisco, California
July 25, 1978