

Decision No. 89122 JUL 25 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Fred Noriega,

Complainant,

vs.

Cal. Water Service Co.,

Defendant.

(ECP)

Case No. 10540

(Filed April 6, 1978)

Fred Noriega, for himself,
complainant.
Charles Freeman, for defendant.

OPINION AND ORDER

The complainant alleges that the defendant, California Water Service Company, has billed him an excessive amount for water service in relation to his consumption for the billing period from November 22, 1977 to December 22, 1977. He seeks reparation of approximately \$3 to \$4, which he contends is the amount overcharged for water he did not consume.

In its answer the defendant admits that the billing for January 1978 reflects the same recorded consumption of 27 Ccf as the December 1977 billing, the billing period disputed by the complainant. The defendant admits that the meter servicing the complainant's residence was under-registering at an extremely poor average accuracy of 81.3 percent but denies that the complainant has been overcharged

for water service. The complainant has deposited the sum of \$15.94 with the Commission, which is the billed amount for the period in dispute.

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 himself. Charles E. Freeman, office manager of the defendant's Montebello office, testified on its behalf.

The complainant testified as follows. He disputes the bill of \$15.94 for his water consumption for the period from November 22, 1977 to December 22, 1977 because he does not believe he used as much water as he was billed for. He acknowledges that he had had a plumbing problem the previous month and was wasting water but he had had the plumbing problem repaired prior to the month in dispute, and thus contends there was no water being wasted. In addition, he cites the heavy rainy period which caused him to curtail his lawn watering during the month in dispute. He also claims he was not treated with courtesy by the defendant's representative who came to check the complainant's meter.

The defendant's representative testified as follows. On February 2, 1978, the complainant called to complain about his high bill and felt his meter was read wrong. The defendant made an inspection of the meter after receiving no response at the residence and found the meter running slowly. On February 8 the defendant's inspector

made another call to the complainant's residence and met with the complainant. The meter was still running slowly. On February 13 the defendant removed the old meter which had a reading of 442 and delivered it to its test facilities. It was found to be underregistering at an average of 81.3 percent accuracy. At high flow, the meter registered 100.6 percent; at medium flow, it tested 97 percent accurate; at low flow, it tested at 46.5 percent accuracy. The defendant thus contends that the meter, although testing inaccurately, underregistered consumption in the complainant's favor. The defendant denies that its inspector was rude or treated complainant in a discourteous manner and alleges that it was the complainant who was rude and difficult to talk to.

Discussion

Although the evidence fails to go beyond the allegations of each party as to the rudeness and discourtesy of the other, we feel constrained to advise both parties that there is never good cause to treat another in such manner. The party who has a dispute with a utility is entitled to voice his grievances and receive the utmost of courtesy and consideration of his complaint. On the other hand, the utility is not just a corporate entity. It is staffed by people and these people, too, are entitled to be treated with courtesy in the performance of their duties. Both parties are thus advised that the amicable resolution of disputes can best be accomplished in an atmosphere of mutual courtesy.

With respect to the allegation that the complainant was overcharged, we find nothing by way of evidence to support such allegation. The meter reading was verified and although

the meter test showed the meter to be registering inaccurately at an average of only 81.3 percent accuracy, it resulted in the complainant being undercharged rather than overcharged. Although we acknowledge the complainant's belief that he did not consume as much water in the disputed month as he may have previously used, we ~~cannot trust in a customer's belief or estimate as to the amount of water consumed as compared to a meter.~~ Had the meter overregistered the amount of consumption or had the meter been broken or jammed, we would have afforded the complainant some beneficial remedy. However, since the meter test shows it registered on the slow side in favor of the complainant, we must decide for the defendant since the complainant has already benefited from the defendant's inaccurate meter.

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 25th day of JULY, 1978.

Robert Batzmann
President
William Agnew
Vernon L. Johnson
Richard D. Howell
Carle T. Sedwick
Commissioners