

ORIGINAL

Decision No. 89181 AUG 8 - 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Philip W. Rogers,
Complainant,

vs.

San Diego Gas and Electric
Company,

Defendant.

(ECP)
Case No. 10561
(Filed May 5, 1978)

Philip W. Rogers, for himself,
complainant.
John R. Stobbs, 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. A public hearing was held before Administrative Law Judge Wright in San Diego on June 15, 1978 and the matter was submitted. Complainant testified on his own behalf. Testimony on behalf of defendant was presented by John R. Stobbs, defendant's customer service coordinator.

Complainant, a sincere and articulate gentleman with an engineering background, made precise computations of his conservative electric energy usage which are at variance with the readings taken from defendant's meter located on complainant's premises. He presented these facts, in writing, to defendant, to the Consumer Affairs Branch of the Commission, and at the hearing, asking for specific answers to his specific questions.

There was copious correspondence prior to the filing of the complaint, but the apparent discrepancies found by complainant were not explained to his satisfaction. Complainant's last three payments of \$21.24, \$17.83, and \$20.06 are impounded by the Commission.

Nothing would be gained by a recital of the numerous contentions by complainant and the equally numerous responses by defendant except to point out that defendant's meter on complainant's premises was tested and found accurate; that complainant's appliances are more than adequate to consume the energy billed; and that defendant has evidently exerted its best efforts, albeit without success, to specifically answer complainant's well-reasoned questions.

At the hearing, a further test of the meter with complainant personally present at all times was offered by defendant. Complainant also stated that he would make further, more precise tests of his usage.

The evidence is clear that the meter at complainant's premises was not in error and that it was properly read. In this case, as with others involving disputed usage, we are faced with the difficult decision of weighing the possibility and probability of an erroneous meter and/or meter reading against what the customer believes to have been his level of consumption. Here the weight of evidence must fall to defendant and we conclude that we must decide in its favor.

IT IS ORDERED that the relief requested is denied and that the three impounded payments totaling \$59.13, and any other sums deposited with the Commission by complainant with respect to this complaint, be remitted to defendant.

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

Dated at San Francisco, California, this 8th day of AUGUST, 1978.

Robert Rabin
President

Wynona L. Johnson
Robert D. Gault

Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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