

ORIGINAL

Decision No. 89319 SEP 6 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

STUART W. WILLIS, Attorney at Law,

Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,
Defendant.

(ECP)
Case No. 10445
(Filed October 17, 1977)

Anita Collins DeLay, for complainant.
Shirley Woo, Attorney at Law, for
defendant.

O P I N I O N

By this complaint, Stuart W. Willis asserts that the kilowatt-hours of usage shown on Pacific Gas and Electric Company's billing statements to him for his law offices commencing with the December 1976 billing are substantially higher than those of the previous year and that there has been no increase in the amount of electric energy used by his offices during this period. The complaint requests an adjustment of the kilowatt hours of usage shown on the December 1976 and subsequent statements to reflect a usage parallel to that of the previous year and that defendant be ordered to replace the electric metering equipment on complainant's premises.

In its answer to the complaint, filed November 17, 1977, defendant asserts that it has verified the readings of complainant's meter; that it has tested the electric load on the meter and clocked

the electric load and found no problems; that the meter was tested several times and found to be operating within the prescribed limits of accuracy; and that complainant has not paid the disputed bills which exceed \$655.87. Defendant requests that the complaint be denied the requested relief.

Pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure, all parties consented to the Expedited Complaint Procedure and waived the presence of a court reporter and a record of the hearing and findings of fact and conclusions of law. Hearing on the matter was delayed at the request of complainant. The matter was heard May 12, 1978 in San Francisco by Administrative Law Judge Arthur M. Mooney, on which date the matter was submitted.

Evidence on behalf of complainant was presented by his former administrative and paralegal assistant who was with him for seven years until she left on August 1, 1977 to move to another part of the state. Evidence on behalf of defendant was presented by its Supervisor of Consumer Services and its employee responsible for electric meters serving customers in the area in which complainant's offices are located.

Following is a summary of the evidence presented in this proceeding: Complainant's offices are in a six-room building at 1215 Pine Street, Martinez. One room is not used, and the others are used for a reception area, library, and offices. The offices are staffed by four people who are complainant, his assistant, his secretary, and another attorney. The electric load for the offices is 9,774 watts and includes an air conditioner, lighting, a coffee maker, a combination refrigerated water cooler and water heating unit, two electric typewriters, one copy machine, two tape recording units, and a blower unit for the gas heater. Complainant now takes issue only with the January 6, 1977 billing, which shows 2,199 kilowatt-hours usage for the December 1976 period, and the February 4, 1977 billing, which shows 2,148 kilowatt-hours usage for the

January 1977 period, and is of the opinion that the kilowatt-hours usage shown on subsequent billings appears reasonable. The kilowatt-hours of usage for the December 1975 and January 1976 periods were 445 and 471, respectively. There have been numerous exchanges of correspondence and meetings by the parties regarding the substantial differences in the kilowatt-hours of usage between the two years. According to complainant, the air conditioner was not used during December 1976 and January 1977, and the use of the other electrical equipment and lighting in the offices was substantially the same during the prior year. Complainant is of the opinion that a malfunction of the electric meter caused the high readings for the two months in issue. The meter was Company Meter No. 532552 and was tested by defendant on April 13 and August 22, 1977 and again on January 17, 1978 when it was replaced by Company Meter No. 8L9886 which was also tested on the same date. All of the tests of the two meters showed that they were registering less than one percent slow under both light and full load which is well within the limits of accuracy established by the Commission. A slow meter does not register the full amount of electric energy going through it. Defendant also made a ground check in which all electric lights and equipment on the premises were turned off to determine if there were any shorts in the wiring, and this test did not show any. A clock test of the load by defendant on July 7, 1977 showed a connected load recording on the meter of 6.7 kilowatts. Defendant asserts that this connected load could produce the usage shown on its billings for the two months in question, and complainant alleges that with the office opened only 40 to 45 hours a week, the registered usage should have been substantially less. Defendant stated that there were no unusual surges of power in its lines serving complainant during the two months.

Since the electric meter has been replaced, the only issue for our determination is whether Electric Meter No. 532552 was accurately registering the kilowatt-hours usage by complainant's law

offices during the December 1976 and January 1977 time period. As stated in our decision in Davis and Elswick v. PG&E Co. (Decision No. 88598 dated March 21, 1978 in Case No. 10232, unreported), the only reasonable measure available to us from which to determine the electric usage is the reading from the electric meter. The results of the meter tests referred to above and which are set forth in Exhibit 5 indicate that this meter was operating within the limits of accuracy prescribed by the Commission. From this it can reasonably be presumed that the meter was operating within these limits of accuracy at all times during the time period in question.

We are of the opinion that complainant should be denied any relief. One last matter requiring comment is the statement by complainant's witness that the amount of money he owes defendant has been deposited with the Commission. All monies so deposited will be released to defendant.

O R D E R

IT IS ORDERED that:

1. Complainant is denied any relief.
2. The Executive Director shall release to defendant all sums deposited with the Commission by complainant in conjunction with this complaint.

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

Dated at San Francisco, California, this 6th day of SEPTEMBER, 1978.

D. Desautel
Richard W. Howell

Robert B. ...

 President
William ...

Vernon ...

 Commissioners

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