

Decision No. 89625 NOV 9 1978

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILSON REID OGG, an individual,  
Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,  
a corporation,  
Defendant.

Case No. 10447  
(Filed October 20, 1977)

Wilson Reid Ogg, for himself, complainant.  
Malcolm H. Furbush and Harry W. Long, Jr.,  
Attorneys at Law, for defendant.

O P I N I O N

Complainant is the owner of a multi-unit residence in Berkeley, California, which receives gas and electric services from defendant, Pacific Gas and Electric Company (PG&E). Complainant's residence encompasses three different addresses: 8 Bret Harte Way, 6 Bret Harte Way, and 1104 Keith Avenue. Complainant alleges that PG&E billed him incorrectly from February 1974 to February 1977 for the electric service to 8 Bret Harte Way. The billing for 1104 Keith Avenue and 6 Bret Harte Way is not in dispute.

As of February 28, 1978, complainant had deposited \$1,095.62 with the Commission, representing disputed electric charges for 8 Bret Harte Way during the period in question. In light of this deposit, PG&E has agreed not to discontinue service pending resolution of this complaint. However, complainant was instructed to pay all current

electric charges accruing after February 28, 1978, directly to defendant. A hearing was held in this matter before C. T. Coffey on February 27, 28, and March 6, 1978, in San Francisco and submitted on June 23, 1978.

Complainant testified that in February of 1974 he undertook certain renovations to his residence. As part of this project, certain electrical equipment, including swimming pool pumps and outdoor floodlights, were removed from the electric meter serving 8 Bret Harte Way and placed on a separate electric meter. All requisite rewiring was done by an electrical contractor hired and supervised by the complainant.

Complainant maintains that subsequent to the removal of this electrical load from the 8 Bret Harte Way meter recorded usage increased rather than decreased. This occurrence was contrary to his expectations.

Complainant further testified that prior to this rewiring and establishment of a separate meter for the swimming pool pumps and outdoor floodlights usage at 8 Bret Harte Way was fairly constant and significantly lower than the usage recorded at the address in question from February 1974 to February 1977. In February of 1977 the electric meter at 8 Bret Harte Way was changed at complainant's request. Complainant indicated that subsequent to the meter change recorded usage and the resulting billing decreased significantly and remained at a more reasonable level.

Complainant asserts that the electric meter serving 8 Bret Harte Way during the period in question was defective. Complainant testified that on the basis of conversations with a licensed engineer, he was convinced that the meter removed on February 10, 1977, had either a defective gear ratio or a short circuit which caused it to run fast and record more usage than had actually occurred.

PG&E presented the testimony of several employees, including that of Mr. Thomas L. Tyler, who tested the meter in question and Messrs. Ronald White and John Mullen who inspected the premises at 8 Bret Harte Way. The evidence indicated that on two separate occasions the meter in question was tested and found to be operating within acceptable limits of accuracy.

A load inventory was conducted jointly by complainant and defendant. An analysis of this study offered by PG&E indicated that a sufficient connected electrical load existed at 8 Bret Harte Way to explain the levels of usage recorded at that address during the period in question. In addition, PG&E submitted billing records for 8 Bret Harte Way from 1969 through January of 1978 showing the recorded electrical consumption for each month. While the PG&E load study produced an average usage projection of 2,784 kWh per month, PG&E's billing records for 8 Bret Harte Way during the period in question indicated that recorded usage ranged from 654 kWh per month to 2,282 kWh per month and averaged 1,356 kWh per month. Recorded usage was apparently well below potential average usage at 8 Bret Harte Way during the period in question. This evidence supports our conclusion that the billing complained of was both reasonable and accurate.

We have analyzed in depth the individual and summed consumption of gas and electricity set forth for the years 1969 through February of 1978 in Exhibits 1, 2, 3, 26, 27, 28, 29, 30, and 31. We can find no evidence of any meter reading discontinuity which would be indicative of a meter overload or short as postulated by complainant. A short in the meter might, if it damaged it at all before the fuses opened the circuit, partially demagnetize the magnets and thereafter cause high readings. Since the consumption in the months before and after alleged short in January 1973 and the peak consumption of 2,632 kWh in February 1974 are of the same magnitude, we cannot give credence to complainant's theory that a short or overload damaged the meter to cause it to run fast. All fluctuations in consumption appear to be reasonable seasonal variations or variations within complainant's control. For instance, comparison of gas and electric energy consumption for the swimming pool show wide and random variations, with gas and electricity usage varying out of phase and out of proportion without the accuracy of the meters being questioned. The record of complainant's energy consumption does not support complainant's theories of meter damage and error in any instance.

Based on a preponderance of the evidence presented, we find that the billings complained of represented an accurate measurement of actual electric consumption during the period in question. Testimony by defendant's meterman, Mr. Tyler, and defendant's customer services representative, Mr. Mullen, indicated that the gear ratio of the meter in question was checked and that no short circuit either on the premises or in the meter was detected, even though the appropriate tests had been made.

The meter test results submitted by PG&E indicated that the meter in question was functioning properly. Complainant has given us no basis for assuming that these tests were improperly conducted or interpreted. In addition, both complainant and defendant have stipulated to the accuracy of the appliance inventory of 8 Bret Harte Way discussed above. The load study based on that inventory indicates that actual usage during the period in question could have equalled recorded usage. Again, complainant has given us no basis for disputing the accuracy of this analysis.

While we wish to make every possible effort to prevent customers from being billed unfairly, we can find no basis in the present case for concluding that complainant was charged for electricity which he did not consume.

#### Finding and Conclusion

We find that complainant was correctly billed by PG&E for electric service at 8 Bret Harte Way for the period which is the subject of this complaint and conclude that complainant is not entitled to any relief in this proceeding.

O R D E R

IT IS ORDERED that:

1. The relief requested is denied.
2. Deposits by complainant in the sum of \$1,095.62, and any other sums deposited with the Commission by complainant with respect to this complaint, shall be disbursed to Pacific Gas and Electric Company.

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

Dated at San Francisco, California, this 9th day of NOVEMBER, 1978.

Robert Bateman  
President  
William J. ...  
Vernon L. ...  
Charles W. ...  
Clarence D. ...  
Commissioners