

SW/ec

ORIGINAL

JAN 29 1980

Decision No. 91275

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES E. CODY,

Complainant,

vs.

SOUTHERN CALIFORNIA GAS COMPANY,

Defendant.

(ECP)

Case No. 10807

(Filed November 16, 1979)

James E. Cody, for himself,  
complainant.  
Robert B. Puckett, for  
defendant.

OPINION AND ORDER

The complainant alleges that the defendant has billed him an excessive amount for gas service during the period July 6 to August 6, 1979. During that period the meter installed at the complainant's premises showed consumption of 617 cubic feet of gas and with a billing factor of 1,042 complainant was billed for 643 therms and an amount of \$183.11. The complainant seeks reparation in a sum between the cost of the actual consumption during the period involved and the consumption for which he was billed for that period. In addition, the complainant seeks to recover \$100 for telephone toll charges, postage, copies of paper work involved, and time and effort expended by him in this matter.

In its answer, the defendant denies the allegations in the complaint except that it admits that it conducted a high bill investigation which revealed that the meter reading was accurate

and there was no gas leakage. The defendant alleges that the investigation revealed that the meter involved served two 48,000 Btu water heaters, one 150,000 Btu forced air heating unit, two sets of 35,000 Btu gas logs, and one 250,000 Btu pool heater which was set at 84°. It alleges that the meter was removed for testing and proved to be registering well within the acceptable limits of accuracy, and determined that on the basis of its investigation, the defendant was billed only for gas which he actually consumed, and that no adjustment was warranted under the circumstances.

The complainant deposited \$183.11 with the Commission on September 4, 1979, which amount was forwarded to the defendant on October 17, 1979, so there is no sum now remaining on deposit.

A hearing was held in Los Angeles on December 19, 1979 before Administrative Law Judge James D. Tante pursuant to Section 1702.1 of the Public Utilities Code and Rule 13.2 of the Commission's Rules of Practice and Procedure (Expedited Complaint Procedure), and the matter was submitted on that date.

The Commission's jurisdiction to grant monetary awards is limited to reparations, and it has no authority to grant the relief requested by complainant to reimburse him for phone toll calls, postage, copies of paper work, or time and effort expended (Max v Pacific Tel & Tel Co (1971) 72 CPUC 735; Pacific Tel & Tel Co (1971) 72 CPUC 505; Beehan v San Miguel Tel Co (1967) 66 CPUC 821 (unreported opinion)).

Exhibit 1, defendant's billings for gas provided complainant during February 9, 1978 to September 5, 1979; Exhibit 2, a letter dated August 30, 1979 from complainant to the Commission; Exhibit 3, a letter dated August 29, 1979 from defendant to complainant; Exhibit 4, the billings of complainant during the

period 1974 to November 2, 1979; Exhibit 5, the Commission's request to check defendant's meter for accuracy dated September 4, 1979; Exhibit 6, defendant's order to conduct a high bill investigation, dated August 17, 1979, and the result of that investigation showing completion thereof on August 21, 1979; and Exhibit 7, the meter test result showing the meter operating properly within the provisions of the Commission's General Order No. 58-A, Section 23(a)(b), were received in evidence.

Complainant testified for himself and Robert D. Puckett testified for defendant.

During the period February 9, 1978 to September 5, 1979, the complainant was billed by the defendant as follows:

| <u>Exhibit 1</u> |             |                       |                       |               |               |  |
|------------------|-------------|-----------------------|-----------------------|---------------|---------------|--|
| <u>Date</u>      | <u>Read</u> | <u>Cons.</u>          | <u>Billing Factor</u> | <u>Therms</u> | <u>Amount</u> |  |
| 9/5/79           | 0539        | 281                   | 1.046                 | 294           | \$ 81.14      |  |
| 8/21/79          | 0408        | Meter Change In Read  |                       |               |               |  |
| 8/21/79          | 2849        | Meter Change Out Read |                       |               |               |  |
| 8/6/79           | 2699        | 617                   | 1.042                 | 643           | 183.11        |  |
| 7/6/79           | 2082        | 125                   | 1.049                 | 131           | 33.51         |  |
| 6/6/79           | 1957        | 321                   | 1.046                 | 336           | 86.86         |  |
| 5/7/79           | 1636        | 131                   | 1.047                 | 137           | 28.69         |  |
| 4/6/79           | 1505        | 186                   | 1.045                 | 194           | 40.25         |  |
| 3/8/79           | 1319        | 208                   | 1.051                 | 219           | 46.55         |  |
| 2/9/79           | 1111        | 301                   | 1.049                 | 316           | 71.48         |  |
| 1/11/79          | 0810        | 304                   | 1.051                 | 320           | 63.00         |  |
| 12/8/78          | 0506        | 236                   | 1.046                 | 247           | 44.66         |  |
| 11/8/78          | 0270        | 102                   | 1.049                 | 107           | 19.62         |  |
| 10/10/78         | 0168        | 488                   | 1.051                 | 513           | 97.88         |  |
| 9/8/78           | 9680        | 256                   | 1.055                 | 270           | 49.30         |  |
| 8/9/78           | 9424        | 233                   | 1.050                 | 245           | 41.30         |  |
| 7/11/78          | 9191        | 87                    | 1.039                 | 90            | 15.55         |  |
| 6/9/78           | 9104        | 42                    | 1.039                 | 44            | 8.96          |  |
| 5/10/78          | 9062        | 104                   | 1.040                 | 108           | 17.90         |  |
| 4/11/78          | 8958        | 130                   | 1.045                 | 136           | 22.11         |  |
| 3/13/78          | 8828        | 231                   | 1.051                 | 243           | 40.30         |  |
| 2/9/78           | 8597        | 201                   | 1.038                 | 209           | 34.52         |  |

Complainant stated that for the period involved herein, July 6 to August 6, 1979, his gas bill should have been approximately \$80 instead of \$183.11; therefore, he was entitled to reparation in the sum of \$103.11. Complainant's swimming pool heater was operating as controlled by a thermostat during May 24 to October 13, 1979. His monthly bills for gas for the period ending June 6, July 6, August 6, September 5, and October 4, 1979 showed that he was billed for 336 therms, \$86.86; 131 therms, \$33.51; 643 therms, \$183.11; 294 therms, \$81.14; and 298 therms, \$84.83, respectively. Complainant stated that notwithstanding the fact that he thought his monthly bill for the period involved herein should have been approximately \$80, his swimming pool heater was being operated during the previous month ending July 6, 1979, at which time his bill was for 131 therms at \$33.51. He does not believe there was an error for the period ending July 6 which would account, in part, for the large bill of August 6, 1979. He stated that either the meter was inaccurate, or the meter was read incorrectly by defendant for the period in question.

Defendant's witness stated that the meter was tested and found to be within the requirements of the Commission, but it was slow and did not register in excess of the gas provided complainant. He stated that when the meter was tested in defendant's shop on August 24, 1979, it still read 2,849 as it had when it was removed from the premises of complainant (Exhibit 7). The witness stated that because of the large difference in consumption for the period in question (643 therms) and the previous month (131 therms), it was possible that there had been an error in reading the meter which showed under use for the period ending July 6, and which accounted for the larger quantity shown as used for the period involved herein.

The difference between the bill in question and the bill for the previous month seems to indicate that there was probably an error in the meter reading for the previous month which caused the bill for that month to be low and the August bill to be high, but the evidence does not show that complainant has been overcharged for gas provided for the two-month period.

We find that complainant's consumption of gas for the period involved was properly measured by a meter that was operating within the prescribed limits of accuracy, there were no abnormal conditions relating to any gas equipment used by complainant which would cause abnormal gas usage, complainant was properly billed in accordance with defendant's tariffs; and conclude that the relief requested should be denied.

IT IS ORDERED that the relief requested is denied.

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

Dated JAN 29 1980, at San Francisco, California.

John E. Bryson  
President

Richard C. Howell

Leonard M. Smith  
Commissioners