

ORIGINAL

Decision No. 91490 APR 2 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Albert J. Gallo,)
)
 Complainant,)
)
 vs.)
)
 San Diego Gas & Electric)
 Company,)
)
 Defendant.)

Case No. 10798
(Filed October 17, 1979)

Albert J. Gallo, for himself,
 complainant.
Randall W. Childress, Attorney at
 Law, for defendant.

O P I N I O N

Complainant alleges that defendant refuses to abide by Rule 16 of its tariff for the sale of gas, in that defendant has refused to install, at its expense, sufficient main extension from the property line to a location on complainant's property where complainant wished to locate a gas meter. Complainant alleges that Rule 16 states that the customer is entitled to an allowance for installation of gas lines "based on 15 feet per customer for space heating gas use, 20 feet per customer for the first water heating gas use, 15 feet per customer for multi-burner gas range use, and 10 feet per customer for gas refrigerator use. For all other equipment of 10,000 Btu per hour input capacity or more, excluding swimming pool heaters, for each 10,000 Btu per hour input capacity or fraction thereof,

an additional 5 feet will be installed at its own expense. In any event the minimum free allowance will be 30 feet." Complainant requests an order that defendant abide by Rule 16 and credit complainant with the following allowance for each of four units: (a) 15 feet for space heating; (b) 15 feet for multi-burner gas range; (c) 20 feet for 40,000 Btu gas dryer; and (d) 20 feet for hot-water heater, amounting to a total footage allowance of 280 feet.

By way of answer, defendant alleges that it is in compliance with Rule 16 of its Rules for the Sale of Gas. Among its affirmative defenses, defendant alleges that: (1) the complaint is vague and ambiguous and fails to state facts sufficient to support any claim against defendant; (2) its rules and tariffs are authorized by this Commission and have been determined to be just and reasonable and have been applied since their effective dates without discrimination to the benefit of all ratepayers; (3) all actions taken on the part of defendant in connection with the subject matter of this complaint were in keeping with defendant's rules and tariffs and were reasonable; and (4) the remedy requested by complainant is not supported by defendant's tariffs and would, in fact, work contrary to such tariffs. Defendant requests an order dismissing the complaint or, in the alternative, that the relief requested be denied.

After proper notice, public hearing on the matter was held before Administrative Law Judge William A. Turkish on January 28, 1980 in San Diego, and the matter was submitted on that date.

Albert J. Gallo testified on his own behalf.

According to his testimony, Rule 16 is clear-cut to him and the issue is basically simple. He is the builder of two duplex buildings in La Costa, California, consisting of four dwelling units. One duplex is located on Cantil Street and the other on Abejorro Street. Each building sets back from the street approximately 35 feet and extends approximately 100 to 125 feet to the back of each lot. According to his reading of Rule 16, he should be allowed a total of 280 feet for installation of gas lines to the two buildings free of cost on the following basis:

15 feet for space heating gas use	x 4 units	= 60 feet
15 feet for multi-burner gas range	x 4 units	= 60 feet
20 feet for 40,000 Btu gas dryer	x 4 units	= 80 feet
20 feet for hot-water heater gas use	x 4 units	= 80 feet
Total		<u>280 feet</u>

The problem arises, according to complainant, in that defendant wanted to put the gas meter in the front yard, which is the shortest distance from the property line to the building, and complainant thought it appeared ugly at defendant's preferred location and did not want it located there. Complainant testified that he wished to place the meters behind a fireplace further toward the back of the buildings which defendant agreed to do. The issue presented is whether complainant is entitled to the extra gas line extension to the new meter location desired by complainant as a free allowance in accordance with Rule 16A.1 or is required to pay for the gas line extension from defendant's approved meter location to complainant's desired location in accordance with Rule 16A.3, which is in excess of the free allowance of Rule 16A.1. Complainant testified that defendant was only willing to give him 39 free feet to two meters and 41 free feet to the other two meters involved, for a total of 160 feet.

Don Wilkensen, senior customer extension planner for defendant, testified on its behalf. He testified that he visited both buildings of complainant and found the intended meter locations were already existing and that the gas lines were already plumbed out for the locations. He stated that complainant requested that the meter location be changed to a location further back on the buildings where they would be hidden behind the chimneys. He told complainant that the existing location of the meters was a good location, close to the gas source, and that it was satisfactory to defendant. He informed complainant that the location desired by complainant was a nonstandard location and that according to defendant's Customer Extension Planning Manual, the additional pipe beyond defendant's approved meter location would require a non-refundable payment at the rate per foot set forth in Rule 16A.3. He stated that he approved complainant's choice of location for the meter as a nonstandard location inasmuch as it was still accessible but at a greater distance from the standard meter location which he deemed was a good location.

According to defendant's counsel, there is no factual dispute in issue. Defendant agrees with complainant to the extent that defendant likewise believes Rule 16 is simple and clear cut.

The applicable portion of Rule 16A.1 states that:

"...the utility will furnish and install at its own expense, a service pipe of suitable capacity from its gas main to the property line of property...and will install, at its own expense, a further extension on the private property or as much of such extension as may be necessary to reach a meter location that is satisfactory to the utility based on 15 feet per customer for space

heating gas use, 20 feet per customer for the first water heating gas use, and 10 feet per customer for gas refrigerator use. For all other equipment of 10,000 Btu per hour input capacity or more, excluding swimming pool heaters, for each 10,000 Btu per hour input capacity or fraction thereof, an additional 5 feet will be installed at its own expense. In any event the minimum free allowance will be 30 feet. The utility will install that portion of each service in excess of the portion installed at utility expense inside of the property line, subject to an advance to be paid by the applicant as set forth below."

According to defendant, the satisfactory standard meter location is 39 and 41 feet from the property line at one duplex and 34 and 41 feet from the property line at the other duplex, while the meter location requested by complainant for his own aesthetic benefit is located an additional distance further back from defendant's approved meter location.

Paragraph 3 of Exhibit 3, defendant's Customer Extension Planning Manual, states that:

"Should the customer request extra service pipe to reach a nonstandard meter location, the additional pipe beyond the utility's approved meter location will require a non-refundable payment at the rate per foot in Rule 16A.3."

It is the contention of defendant that: (1) the rule is clear; (2) the free footage allowance applies to the extension from the main to the approved standard meter location; and (3) this interpretation is neither arbitrary nor unreasonable. We agree.

If we were to accept complainant's position, it would subject defendant to many demands by customers with respect to the location of gas meters and could cause innumerable disputes as to such location. Furthermore, it could impose unreasonable costs on defendant in furnishing free allowances to reach a meter location chosen for its aesthetic consideration alone. Such costs would, in turn, be borne by existing ratepayers through the rate structure. We view the limitation of the words "to reach a meter satisfactory to the utility" as a protection for the ratepayers, so that existing ratepayers are not paying for purely aesthetic benefits of certain customers who desire special meter locations. Defendant has an obligation to provide service to all customers on an equal basis and in determining an approved standard meter location in accordance with its Customer Extension Planning Manual, it is providing service to all customers on an equal basis. Rule 16 is clear that the free footage allowance is computed from the property line to the meter after the utility has determined a standard meter location which is satisfactory to the utility. This is not to say that the utility can locate a meter anywhere it wishes. It must select a meter location which is reasonable. By the same token, the fact that a customer utilizes all the appliances permitting the maximum free footage allowance of Rule 16, it does not mean the customer is entitled to select the meter location to the extent that the maximum free footage allowance would permit. Again, the customer would be allowed only the free footage from the property line to a meter location deemed satisfactory to the utility. If such meter location was deemed satisfactory to the utility and was located by it at a distance from the property line which

equaled the maximum free footage allowance to which the customer was entitled, it would be free. Likewise, if it was deemed satisfactory to the utility at some shorter distance from the property line, the same customer would again be entitled to the pipe extension free. The fact that the customer's appliances would have entitled him or her to more free footage becomes moot in such situation. According to Rule 16A.1, the minimum free footage allowance will be 30 feet in any event.

Findings of Fact

1. Complainant is the builder of two duplex buildings containing four separate units.
2. Complainant's four units utilize gas appliances which would entitle him to a total of 280 feet of free pipe extension in accordance with defendant's Rule 16A.1 of its tariffs.
3. The meter location selection made by defendant on complainant's property was reasonable.
4. The meter location desired by complainant was for the aesthetic benefit to complainant and, although determined to be a satisfactory location by defendant, it is deemed to be a nonstandard location.
5. The nonstandard meter location, chosen by complainant, is at a greater distance from complainant's front property line than the satisfactory standard meter location selected by defendant.

Conclusion of Law

The free footage allowance to which complainant is entitled is only that number of feet from the junction of defendant's gas main and complainant's property line and extending into complainant's property to a standard meter location which is deemed satisfactory to defendant, provided, however, that complainant is entitled to such free footage


according to the number of gas appliances on the premises and the allowances set forth in defendant's Rule 16A.1 of its tariffs. Any extra free footage to which complainant may be entitled under Rule 16A.1 cannot be used to obtain free footage to any distance beyond the distance to the standard meter location selected by defendant.

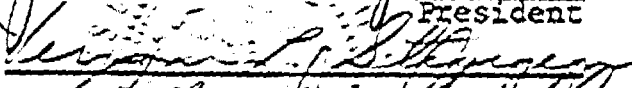
ORDER


IT IS ORDERED that the relief requested by complainant is denied.


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

Dated APR 2 1980, at San Francisco, California.



President






Commissioners

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