

ORIGINAL

Decision 93372 AUG 4 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Zelda Bettman and
 Linda Bobbitt,)
)
 Complainants,)
)
 vs)
)
 Pacific Gas and Electric Co.,)
)
 Defendant.)

(ECP)
 Case 10974
 (Filed April 6, 1981)

Zelda Bettman and Linda Cecilia Bobbitt, for
 themselves, complainants.
Darrel Mike Weaver, for Pacific Gas and Electric
 Company, defendant.

O P I N I O N

This is a complaint by Zelda Bettman and Linda Bobbitt (complainants) against Pacific Gas and Electric Company (PG&E). The complaint involves disputed gas bills for July and August 1980. The amount in dispute is \$417.95. Complainants contend that the alleged improper billing was due to a faulty meter or gas connection. PG&E contends that there is no evidence of malfunction of its meter or equipment.

This matter was heard under the Commission's Expedited Complaint Procedure. (Public Utilities Code § 1702.1, Rule 13.2.) A duly noticed hearing was held before Administrative Law Judge Donald B. Jarvis in Santa Rosa on June 3, 1981 and the proceeding was submitted on that date.

There is no dispute about the electric portion of complainants' bills. The discussion which follows deals only with the gas portion.

Complainants testified that prior to the months in dispute their bills for gas usage showed the following daily usage:

<u>Date of Billing</u>	<u>Therms per Day</u>
April 1980	1.8
May 1980	1.0
June 1980	1.3

In July 1980 complainants received a bill for \$274.21. The bill indicated a daily usage of 9 therms. They immediately contacted PG&E to question the bill. PG&E sent an employee to reread the meter who verified that the previous readings were correct. Complainants contended that they did not dispute the meter readings but that there was something wrong with the meter or its connections. The controversy continued during August 1980. On August 20, 1980 PG&E changed the meter. The daily usage from August 1 to August 20 was 8.4 therms. The daily usage from the 20th to the 31st was .85 therm. The usage for the remainder of the year was as follows:

<u>Date of Billing</u>	<u>Therms per Day</u>
October 1980	0.9
November 1980	1.9
December 1980	4.0

The meter which was removed was tested and was 1% slow, which is within the permitted range of accuracy.

There is a swimming pool at complainants' residence. The PG&E witness testified that the pool has a heater with a capacity of 325,000 Btus per hour. The witness stated that the number of therms per day reflected in the complained-of July and August bills could have been generated by use of the pool heater on the average of two hours per day. He produced no evidence that such usage had taken place.

Complainants testified that there were no other persons in their household during July and August. The pool is fenced and no one else had permission to use it. Each complainant works. The pool has a gunite liner which helps retain heat. The pool is heated on a few occasions in April and May and rarely thereafter. They did not heat the pool on the average two hours a day during the period in dispute. There is a separate switch to turn on the pool gas heater. Complainants also testified that in 1979 there had been a gas leak in a line on the property which had been corrected by PG&E.

Considering the entire record the Commission is of the opinion that some malfunction existed in the meter or connections to it which resulted in excessive bills for July and August 1980. Complainants, however, are not entitled to free gas for those periods. We will take an average complainants' usage for the nondisputed months and provide for payment of that amount.

The average daily usage for the nondisputed period from April to December was 1.5 therms per day. The disputed bills cover 30 days in July and 26 days in August. Complainants should be required to pay for 45 therms in July and 39 therms in August. The respective amounts are \$19.52 and \$16.12. Complainants made a customer deposit of \$417.95 with the Commission of which \$130.52 is for electric service and \$287.43 for gas service. The sum of \$166.16 should be disbursed to PG&E and the remainder to complainants.

O R D E R

IT IS ORDERED that:

1. Zelda Bettman and Linda Bobbitt should pay Pacific Gas and Electric Company (PG&E) \$19.52 for the use of 45 therms of gas in July 1980 and \$16.12 for the use of 39 therms of gas in August 1980. PG&E shall refrain from attempting to collect any other amount for gas service during these periods.

2. 'Complainants' deposit of \$417.95 shall be disbursed as follows: \$166.16 to PC&E and \$251.79 to complainants.

Since it involves a customer deposit, this order is effective today.

Dated AUG 4 1981, at San Francisco, California.

John E. Bryan
President
Richard A. Hoyle
Donald W. ...
Victor ...
Pres ...
Commissioners