

ORIGINAL

OCT 20 1981

Decision 93635

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JESSE BERNARD,

Complainant,

v

PACIFIC GAS AND ELECTRIC  
COMPANY,

Defendant.

(ECP)  
Case 11007  
(Filed July 13, 1981)

Jesse Bernard, for himself, complainant.  
Johnny T. Crews, for Pacific Gas and  
Electric Company, defendant.

O P I N I O N

This is a complaint by Jesse Bernard (Bernard) against Pacific Gas and Electric Company (PG&E). Bernard contends that his electric bills for July and August of 1980 were excessive and were due to an improperly functioning meter. PG&E contends that the meter was tested and found to be functioning properly and that the amount of electricity consumed during the period in question was consonant with Bernard's past usage. The amount in dispute is \$538.80.

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 Fresno on August 28, 1981 and the proceeding was submitted on that date.

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

Bernard testified that when he received the July 1980 bill he called PG&E to question the amount, which he considered excessive. Bernard stated that a PG&E representative, whose name he does not recollect, came to Bernard's residence and said the meter "was running wild." The PG&E representative suggested that the amount of electric use might be due to a defective air conditioner. Bernard contends that the air conditioner was not defective. Bernard contends that a PG&E representative who came to the premises did not give his correct name. Bernard also testified that he was not at home for a substantial portion of August 1980; that before he departed he turned off all his appliances, swimming pool pump and sweep, and that the amount of electric usage billed for August 1980 was excessive.

Bernard also questions one of the meter readings during the disputed period. PG&E records show the reading was based on a returned postcard and Bernard states he never sent such a card. Bernard also says that he was told that the meter reader on the route was fired for improprieties. Bernard's son testified about a trip he and his father took in August 1980. A Texas traffic ticket and various receipts were presented to corroborate the August trip. Bernard seeks reimbursement of \$500 for the alleged overbilling and his time and expense in filing this complaint.

A PG&E representative produced evidence showing that Bernard has the following electrical appliance-connected load:

- Frost-free refrigerator-freezer
- Refrigerator
- Freezer
- Range
- Washer
- Dryer
- Color television
- 4-ton air conditioner (6.4 kw)
- 1.5 horsepower swimming pool filter (13 hours per day)
- 3/4 horsepower swimming pool sweep (4 hours per day)
- Lights
- Miscellaneous appliances

PG&E tested the meter in question on September 11, 1980. It recorded exactly at full load (1.000) and ran slightly slow at light load (1.003). The meter is well within the limits of accuracy established by this Commission.

The PG&E representative testified that in June and July 1980 its Fresno billing cycle was changed and that the July bill, of which Bernard complains, was for a 41-day period rather than a monthly one. The representative also testified that between 1979 and 1980 the Commission established the third tier for electric rates and granted PG&E various rate increases. As a result, Bernard's electric bill increased more than 100% in 1980 for consumption similar to that in 1979. PG&E introduced the following comparison for Bernard's account:

As Billed

<u>1979</u>			
<u>Date</u>	<u>Days</u>	<u>kWh</u>	<u>Amount</u>
6-5-79	32	2202	\$ 79.27
7-5-79	30	2815	102.57
8-3-79	<u>29</u>	<u>3350</u>	<u>122.90</u>
Subtotal	91	8367	\$304.74
9-4-79	<u>32</u>	<u>2684</u>	<u>97.59</u>
Total	123	11051	\$402.33

As Billed

<u>1980</u>			
<u>Date</u>	<u>Days</u>	<u>kWh</u>	<u>Amount</u>
5-28-80	26	1366	\$ 90.11
7-8-80	41	3012	217.94
7-29-80	<u>21</u>	<u>3161</u>	<u>255.96</u>
	88	7539	\$564.01
8-27-80	<u>29</u>	<u>3606</u>	<u>282.84</u>
	117	11145	\$846.85

1980 Usage, 1979 Rates

5-28-80	26	1366	\$ 48.25
7-8-80	41	3012	108.22
7-29-80	21	3161	116.72
8-27-80	<u>29</u>	<u>3606</u>	<u>132.27</u>
	117	11145	\$405.46

Rate Increases

October 11, 1979

January 1, 1980

February 13, 1980

April 29, 1980: 3-tier rate structure established

Assuming a PG&E representative did not give his correct name to Bernard and that Bernard did not send in the meter reading card on July 8, 1980, the result of this proceeding would not be changed. It would show that PG&E should improve its customer relations practices but it would not change the figures for the amount of electricity consumed. The meter was read on May 28, 1980 and showed 62644. The disputed postcard dated July 8, 1980 showed 65656. A reading on July 29, 1980 showed 68817. Readings on August 27, September 11, and 29, 1980 showed the following readings: 72423, 73651, and 74571. Thus, the bills for the total period in dispute are based on actual meter readings.

PG&E introduced evidence showing the temperatures in Fresno during July and August of 1980 were as follows:

<u>July 1980 Temperature</u>				<u>August 1980 Temperature</u>			
<u>Day</u>	<u>Max.</u>	<u>Min.</u>	<u>Avg.</u>	<u>Day</u>	<u>Max.</u>	<u>Min.</u>	<u>Avg.</u>
1	95	71	83	1	107	78	93
2	86	68	77	2	107	73	90
3	91	68	80	3	101	67	84
4	94	61	78	4	93	66	82
5	94	60	77	5	94	64	79
6	94	61	78	6	93	63	81
7	92	62	77	7	102	69	86
8	90	59	75	8	105	70	87
9	87	59	73	9	104	67	86
10	92	60	76	10	104	70	87
11	98	63	81	11	105	70	88
12	95	63	79	12	105	70	88
13	92	61	77	13	101	65	83
14	96	62	79	14	89	58	74
15	101	65	83	15	88	58	73
16	104	70	87	16	92	64	78
17	102	71	87	17	97	66	82
18	101	69	85	18	93	65	79
19	99	62	81	19	86	60	73
20	102	66	84	20	92	62	77
21	105	70	88	21	97	65	81
22	105	72	89	22	94	65	80
23	107	75	91	23	90	59	75
24	103	75	92	24	95	64	80
25	109	76	93	25	97	61	79
26	111	75	93	26	97	63	80
27	108	76	92	27	96	63	80
28	110	82	96	28	93	59	76
29	109	78	94	29	92	59	76
30	101	78	90	30	89	60	75
31	108	78	93	31	91	60	76

As indicated, the meter tested to be functioning properly. The kilowatt hours used in July, 1980, when Bernard was not on vacation, were similar to those used in 1979 and consonant with the temperatures in Fresno. A utility customer is responsible for the energy used on the premises. (Williams v PT&T (1976) 80 CPUC 222,23L) The evidence indicates that while Bernard was away during August, his daughter came by the house daily to turn lights on and off. Bernard also testified that a minor repair was made to the air conditioner.

As all complainants, Bernard had the burden of proof in this proceeding. (Fremont Customers v PT&T (1968) 68 CPUC 203, 206.) We find that Bernard has not met this burden. The complaint should be denied.

O R D E R

IT IS ORDERED that complainant is entitled to no relief in this proceeding and the complaint is denied.

This order becomes effective 30 days from today.

Dated OCT 20 1981, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

*I certify that this decision was  
approved by the above Commissioners today.*

*John E. Bryson*