

AUG 11 1995

Decision 95-08-035 August 11, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Kimberly Robbins-Dawydiak and)
 Walter Dawydiak,)
)
 Complainants,)
)
 vs.)
)
 Wolfback Water Company,)
)
 Defendant.)

(ECP)
 Case 95-04-055
 (Filed April 27, 1995)

ORIGINAL

Kimberly Robbins-Dawydiak, for herself and
 Walter Dawydiak, complainants.
Alan Patterson, for Wolfback Water Company,
 defendant.

O P I N I O N

Walter and Kimberly Robbins-Dawydiak complain that defendant, Wolfback Water Company, has overcharged them for water service, failed to adjust their bill as promised and has not credited several payments to their account. One payment was \$125 from the Commission. Complainants allege it took over 45 days to contact defendant regarding these complaints.

Alan Patterson, defendant's president, initially alleged that complainants' water line was connected to that of a neighbor or that complainants had a water leak. In March 1994 complainants hired a contractor to inspect their water facilities. The contractor found a minor leak which was repaired immediately.

Complainants request that the excessive charges after the leak was repaired be refunded; that their past bills be reduced to \$32.01 per quarter since no one occupies the house; and that prior payments be credited to their account.

Defendant failed to file an answer on or before the hearing date; therefore, the hearing was rescheduled. Defendant later submitted his answer in the form of a letter without a certificate of service. The answer was corrected and filed on June 5, 1995.

A hearing was held on June 20, 1995. Complainants and defendant presented evidence. We conclude that the complaint should be granted in part.

The Hearing

At the hearing, complainants were represented by Mrs. Dawydiak. She presented cancelled checks to show that she had paid her water bills in May and August 1994. Although she alleged these payments had not been credited, William Haag, defendant's accountant presented monthly summaries to show that credit had been given for these amounts. Haag agreed to give credit for the \$125 returned to defendant by the Commission in 1994 after a prior complaint was resolved. Thus, the dispute was narrowed to the excessive water charges after March 1994 when a minor leak was discovered and repaired, and the amounts billed prior to the leak which were over the alleged average usage of \$50 per billing period. It appears that the amount in dispute is \$434.22. Complainants allege this outstanding balance should be \$100.13.

Usage recorded by complainants' contractor compared with usage billed by defendant is as follows:

	<u>Complainant</u>	<u>Defendant</u>
Nov. 1, 1993	2 cu.ft.	8 cu.ft.
Jan. 1	2 cu.ft.	14 cu.ft.
Mar. 1	no reading	37 cu.ft.
May 1, 1994	0 cu.ft.	34 cu.ft.
July 1	0 cu.ft.	no reading
Aug. 1	no reading	2 cu.ft.
Sept. 1	0 cu.ft.	no reading

(Exhibits 2 and 5)

Defendant has not tested complainants' meter to see if it records usage accurately. Defendant employs one person to read each customer's meter. Defendant verifies the meter reading by noticing if the current usage exceeds the previous reading. This method does not assure that the usage is accurately recorded.

Since there is virtually no verification of meter or meter reading accuracy employed by defendant and since complainant has presented significantly different readings, we cannot agree that defendant's bills are accurate; therefore, complainants are entitled to a refund. However, complainants also failed to verify their record of usage at the time it was recorded, such as have a second person check the meter reading and the usage recorded. Therefore, we cannot be sure that their records are entirely accurate. Nor is there sufficient accurate information to determine complainants' average usage.

Accordingly, we will order a refund of one-half of the outstanding balance after all past payments are credited, plus interest.

O R D E R

IT IS ORDERED that the complaint is granted in part. Defendant will credit complainants' account \$125 (the amount returned to defendant in a prior complaint) plus \$217.11 (one-half of the balance due) plus \$12.64 (interest on these amounts based on

the three-month commercial paper rate as reported in the Federal Reserve Statistical Release G-13).

This order is effective today.

Dated August 11, 1995, at San Francisco, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY

Wesley Franklin
Acting Executive Director