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Decision 95-12-044 December 18, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Anton Senda,)
)
 Complainant,)
)
 vs.)
)
 Pacific Gas & Electric Company,)
)
 Defendant.)

(ECP)
Case 95-07-044
(Filed July 19, 1995)

ORIGINAL

Anton Senda, for complainant.
Alonzo McLeod, for Pacific Gas and Electric
Company, defendant.

O P I N I O N

Anton Senda (complainant) alleges Pacific Gas & Electric Company (defendant or PG&E) has overcharged for gas and electric service from November 1994 to January 1995 and failed to investigate his complaint for several months. After an energy audit, complainant alleges defendant's auditor concluded the high usage was due to an electric or baseboard heater, which complainant alleges he does not own. He requests a credit of all charges over \$16 per month.

Defendant denies all allegations.

A hearing was held on October 11, 1995 in San Francisco. From the evidence adduced at this hearing, we conclude that the complaint is denied.

The Hearing

Complainant was frustrated because PG&E did not respond to his complaint for 1-1/2 months, and he was not notified when his meter was reread or tested. The delay in the premise inspection was caused by the company's backlog of complaints and outages

related to heavy winter storms. However, a company representative attempted to resolve the complaint over the telephone within two weeks. PG&E could not confirm that complainant was not notified of the premise visit to reread the meter or test it because there are no records of this notice. However, it is PG&E's policy to notify a customer by telephone of the date of this visit and PG&E's records do indicate that the meter was reread and that the meter tested within an acceptable range of accuracy.

At the hearing, complainant admitted that at the time in question, he was home ill and in bed. Yet, he denies that his usages during the disputed months was more excessive than other months. He also admitted that his house is not insulated; that it has a flat roof which is also without insulation; that the front door has large gaps for outside air to enter; and that there is a significant temperature drop after the sun stops shining in his windows. When the sun is shining, his apartment is so warm that he grows 'hot house' vegetables. In winter months, because of the swings in daytime temperature, complainant often uses a fan to cool the house during the day, the gas wall heater to heat at night and the fan at night when the house becomes overheated. He often rotates the fan to cool and the wall heater to heat at night during the winter since the house does not retain heat.

Complainant brought the electric heater to the hearing. He explained that the heat element does not work and it only blows cold air. The heater belonged to a prior roommate and he uses it for cooling, rather than heating, as PG&E's energy auditor concluded.

Complainant readily admits that, in his frustration, he hung up on PG&E's representative preventing her from explaining defendant's two courtesy adjustment policies. One policy allows an adjustment if the customer can reasonably show that an appliance is defective. The customer need not have an appliance tested if the facts logically prove that the appliance was defective and the

customer was not aware of the defect. However, PG&E does not agree that the facts of complainant's case warrant this adjustment.

This second policy provides an adjustment when a customer's bill is unreasonably delayed or PG&E does not respond to a customer's needs within a reasonable period of time. However, complainant's bill was not delayed and the response time is not unreasonable given the extenuating circumstances of widespread outages and the fact that the months of complainant's calls were the months in which PG&E generally receives a large volume of high bill complaints.

PG&E presented evidence to show that there was a need for heat during the months of November and December 1994 and January 1995 based upon the recorded temperatures. (Exh. 4.)

PG&E presented complainant's prior year usage to show that it was comparable with the winter of 1994-95.

Discussion

There is insufficient evidence to conclude that PG&E has recorded usage or billed complainant in error. Therefore, the complaint must be denied. However, at the conclusion of the hearing, PG&E agreed to investigate complainant's qualifications for a special discount (CARE) and/or its weatherization program and whether it may provide any applicable discounts retroactively because complainant appears to have filed his application over 4 months ago. We expect PG&E to pursue these alternatives, as promised.

We point out that this complainant admitted he had little desire to pursue a formal complaint and that he was motivated to do so only because he was promised and did not receive the readily available summary of his account. We encourage PG&E to endeavor to satisfy such small requests if they can prevent the more burdensome alternative of a formal proceeding.

ORDER

IT IS ORDERED that this complaint is denied.

This order is effective today.

Dated December 18, 1995, at San Francisco, California.

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