

DEC 9 1996

Decision 96-12-015, December 9, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES B. STEWART,

Complainant,

vs.

SOUTHERN CALIFORNIA GAS COMPANY,  
(U 904 G)

Defendant.

ORIGINAL

Case 96-05-034

Case 96-05-035

(Filed May 20, 1996)

James B. Stewart, for In Pro Per.  
Sim M. Newsom, for Southern California Gas Company, respondent.

OPINION

**Summary** James B. Stewart (Stewart) alleges that Southern California Gas Company (SoCalGas) overbilled for service to his coin-operated laundromats at Ontario and Pomona. Stewart contends that the high bills were caused by leaks at SoCalGas' meter facilities. The Commission concludes that there is no evidence to support Stewart's contentions and the complaints are dismissed.

An evidentiary hearing on the complaints was held on September 25, 1996, in Los Angeles. Ontario Laundromat.

Stewart disputes the billing for the period November 1994 through May 1995. Because the original meter serving these premises was vandalized, SoCalGas replaced it in October 1994. Coincident with installation of the replacement meter (second meter), the billed gas usage doubled. Following a high-bill investigation, and at the request of Stewart, SoCalGas replaced the second meter in May 1995. Upon replacing the second meter, billed usage returned to "normal levels." Therefore, Stewart disputes the billing for

the period covered by the second meter. He contends that leaking meter connections caused the high bills. He points out that bills were lower before and after the second meter was in place. Also, he contends that when SoCalGas service personnel made a high-bill investigation, their leak detector equipment indicated leaking gas, and it was not possible to get the meter to register "no usage" even though all appliances were turned off in the laundromat. However, Stewart does not dispute the accuracy of the second meter.

SoCalGas service technician Wayne Bickle testified that as part of a high-bill investigation, he made two visits to the laundromat. His first visit was in March 1995. Due to a misunderstanding, Stewart did not keep the appointment. Therefore, in accordance with the utility's standard practice, Bickle read the meter and checked for leaks. None were found.

He returned to complete the high-bill investigation in April 1995. Since the meter in place was a rotary type, which does not measure very small flows accurately, he installed a by-pass line and a test meter to check for leaks. Since the by-pass line was connected to existing fittings which were over 25 years old, there were leaks in his connections. These leaks were registered by his leak detection equipment. He contends that there were no leaks on SoCalGas' meter facilities that would have registered on the customer's meter. He found a few small leaks in the laundromat piping behind the dryers. He fixed those leaks and left the system in a safe condition. He points out that if there had been leaks at the meter, such leaks would have been detected on his first visit and noted on his service order.

After the original meter was vandalized, it took SoCalGas six months to replace the meter. During this period SoCalGas estimated the bills. SoCalGas witnesses offered several explanations as to why it took six months to replace the meter: the rules permit bills to be estimated, therefore, it was not high priority; the original meter was extremely large and removal required a crane and special crew; access to the boiler room was a problem because of difficulty in contacting Stewart; and sizing the new rotary meter was a problem because the laundromat had two boilers but operated only one. Apparently, all these factors contributed to the six-month period required to replace the damaged meter. We do not find that acceptable. Therefore, Stewart's billing for meter usage returned to "normal levels".

SoCalGas suggests that the high usage during the period in dispute is related to the setting of the thermostat on the boiler. Service technician Bickle believes that at the time of the high-bill investigation, the thermostat was set at 130° which is consistent with the recommendations of soap and washing machine manufacturers. He contends that if the thermostat had not been set at the recommended level, he would have noted that. However, on returning to the laundromat on a subsequent occasion, he found that the water temperature had been reduced to 98°. Bickle believes that the reduced water temperature explains the reduction in billed usage after the second meter was replaced. Stewart disputes Bickle's contention. He believes that Bickle mistook the high-limit switch for the thermostat. Stewart argues that, in any event, based on his experience in the laundromat business, it would be poor business practice to set the thermostat to 130° and he would not have done so.

Stewart provided the monthly electric usage of the laundromat for the years 1993 through January 1996. A graphical plot of the electric and gas usage shows that the gas usage tracks the electric usage except for the six-month period SoCalGas estimated the bills. Further, the plot indicates that SoCalGas underestimated its bills for the six months after the original meter was vandalized, prior to installation of the second meter.

On weighing the evidence, we give considerable weight to Bickle's statement that on his first visit, he found no leaks at the meter installation. Further, we find Bickle's explanation reasonable that the gas leaks cited by Stewart were on the temporary by-pass he built for the test meter and the leaks had no effect on customer billing.

We note the increased electric usage during the period in dispute (see attached Appendix A). This suggests that there was increased customer activity in the laundromat during the period, which would have resulted in increased gas usage. Furthermore, we believe that if the quantity of gas at issue had leaked from SoCalGas meter facilities while the second meter was in place, it is likely that the premises would have had to be evacuated, and that did not occur. Therefore, based on the evidence, we do not find Stewart's argument convincing.

Stewart testified that six months later he returned to the laundromat and found that the amber proof Allen plugs had been replaced with regular

**Pomona Laundromat**

Stewart disputes the billing for the period December 1993 through May 1995. He believes that leaks from loose plugs on the meter resulted in high bills for the period in dispute. The meter was installed in October 1992.

SoCalGas records show that on February 11, 1994, at the request of Stewart's Laundry, SoCalGas conducted a safety check on the clothes dryers and gas meter at the laundromat. The service technician found nothing wrong.

On June 6, 1994, an employee of an adjacent market called to report a gas leak at Stewart's Laundry. The caller stated that gas was leaking from the regulator because a plug had been removed.

Chris Lugar, a SoCalGas service technician, testified that in response to the call she checked the meter and did not find any leaks. She stated that the person who made the call indicated that he smelled gas earlier but there was no odor at the time of the call.

On June 7, 1994, Patti Wilkiewicz, the manager of Stewart's Laundry called SoCalGas to dispute the bills for the period April 1 through June 1, 1994. She requested an adjustment due to the alleged gas leak on June 6, 1994 at the meter. Accordingly, SoCalGas scheduled a high-bill investigation.

SoCalGas' high-bill investigation team made two visits to the laundromat in July and August 1994, but were not successful in completing their tests because customers were using the appliances.

SoCalGas service technician, Richard Rodriguez, testified that on September 7, 1994, he was able to complete the high-bill investigation. He shut down all the appliances, built a by-pass line, tested the meter and found no leaks. Further, Rodriguez stated that the maintenance man for the laundromat told him that a child playing in the area said that one of the two pressure taps on the meter was open at one time and that there had been a gas odor. A pressure-tap has a needle-valve with a T-handle, and the outlet has a plug in it. Rodriguez stated that on September 7, 1994, the valves were shut but the plugs were missing. Because of the maintenance man's remarks, Rodriguez installed "tamper proof" Allen plugs.

Rodriguez further testified that six months later, he returned to the laundromat and found that the tamper proof Allen plugs had been replaced with regular

plugs. He believes that the plugs had been changed when SoCalGas personnel restored service to the laundromat on January 10, 1995 after it was shut down for alleged nonpayment of the bill. The replacement plugs were SoCalGas plugs.

Also, Rodriguez testified that if the valves at the pressure-taps had been opened and the plugs removed, the odor would have been sufficient for the market employee to detect escaping gas and make the phone call. Therefore, he assumes that someone was "playing with the valves" prior to technician Chris's Lugar response to the call on June 6, 1994. He compared the quantity of gas that would escape from a pressure-tap to the quantity used by a pilot light or Bunsen burner. Further, Rodriguez stated that if the amount of gas in dispute had escaped from the pressure-taps, that would have been "cause for the fire department to come out." He denied that he told Paul Wilkiewicz that he found gas "spewing out of the meter." He believes he said that the maintenance man had said that he was told that gas was leaking out of the meter and someone had turned it off.

Stewart provided the monthly electric usage for the laundromat for the period January 1993 through June 1996. A graphical plot of the electric and gas usage shows that the gas usage tracks the electric usage for the entire period (see attached Appendix B). Also, the plot shows that during the period of dispute the electric usage increased. This suggests that there was increased customer activity in the laundromat which in turn caused the increased gas usage during the period in dispute. However, it is not the responsibility of SoCalGas to determine exactly how the gas was used.

In reviewing the evidence, we give much weight to the testimony of SoCalGas technicians Lugar and Gonzales that they found no leaking gas at the meter. Also, we give weight to Gonzales' contention that if the quantity of gas in dispute had leaked, that would have been cause to evacuate the premises. Based on the evidence, we conclude that Stewart has not sustained his burden of proof.

#### **Findings of Fact**

1. Stewart contends that gas leakage from SoCalGas' meter facilities contributed to high bills at his Ontario and Pomona laundromats for the periods in dispute.
2. There is no evidence that suggests there were gas leaks in SoCalGas' meter facilities that could have caused the high bills that are the subject of these complaints.

**Conclusion of Law**

The complaints should be dismissed for failure of burden of proof.

Also, Rodriguez testified that the replacement plugs were not installed in the meter. The replacement plugs were not installed in the meter.

**IT IS ORDERED that:**

1. The complaints of James B. Stewart (Stewart) against Southern California Gas Company (SoCalGas) are dismissed.

2. The funds impounded in the name of Stewart in Case (C.) 96-05-034 and C.96-05-035 shall be paid to SoCalGas.

This order is effective today.

Dated December 9, 1996, at San Francisco, California.

P. GREGORY CONLON

President

DANIEL Wm. FESSLER

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

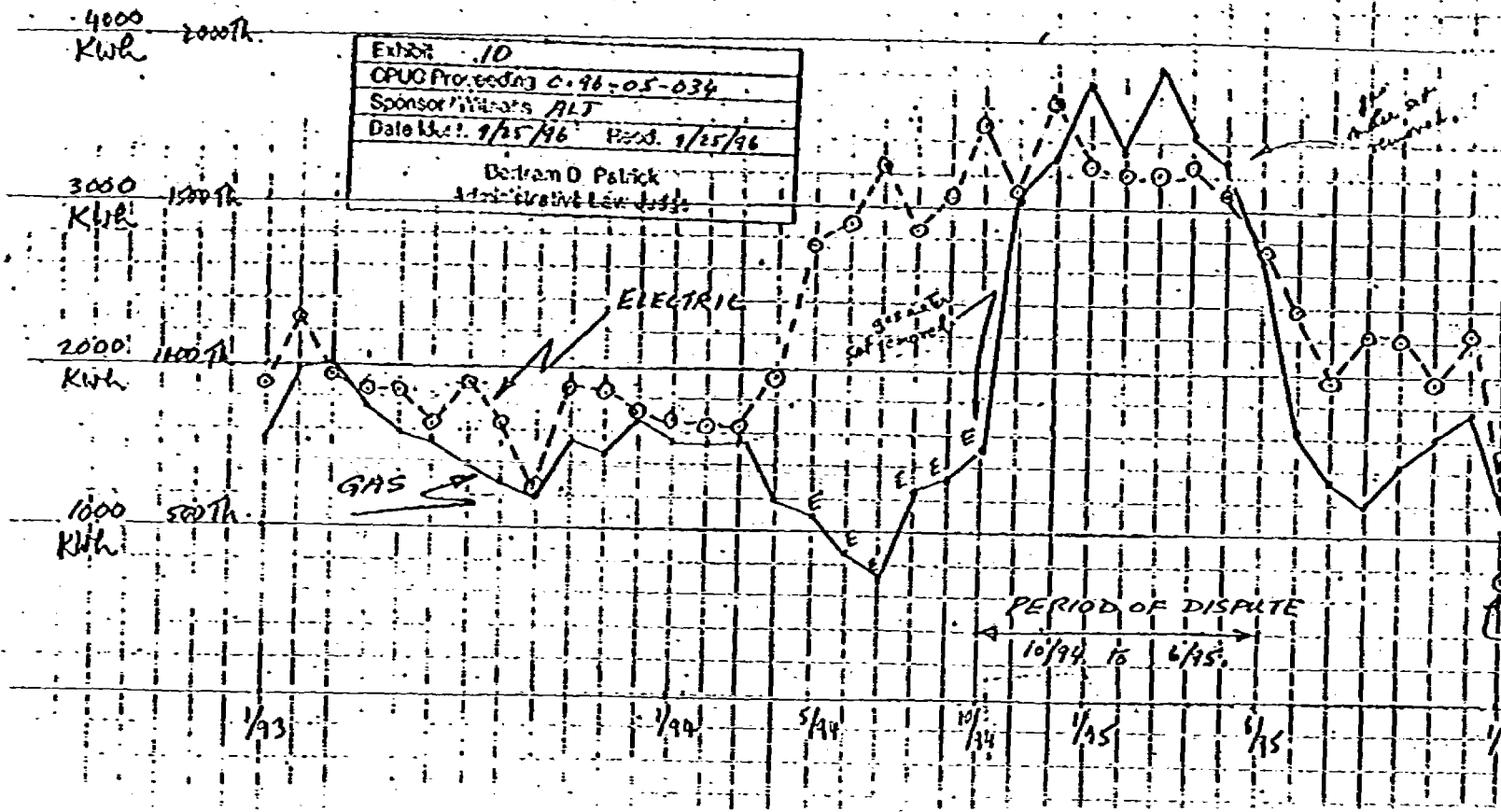
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**Findings of Fact**

1. Stewart contends that gas leaks from SoCalGas' meter facilities contributed to high bills at his Ontario and Pomona laundromats for the periods in dispute.
2. There is no evidence that suggests there were gas leaks in SoCalGas' meter facilities that could have caused the high bills that are the subject of these complaints.

APPENDIX A

ONTARIO

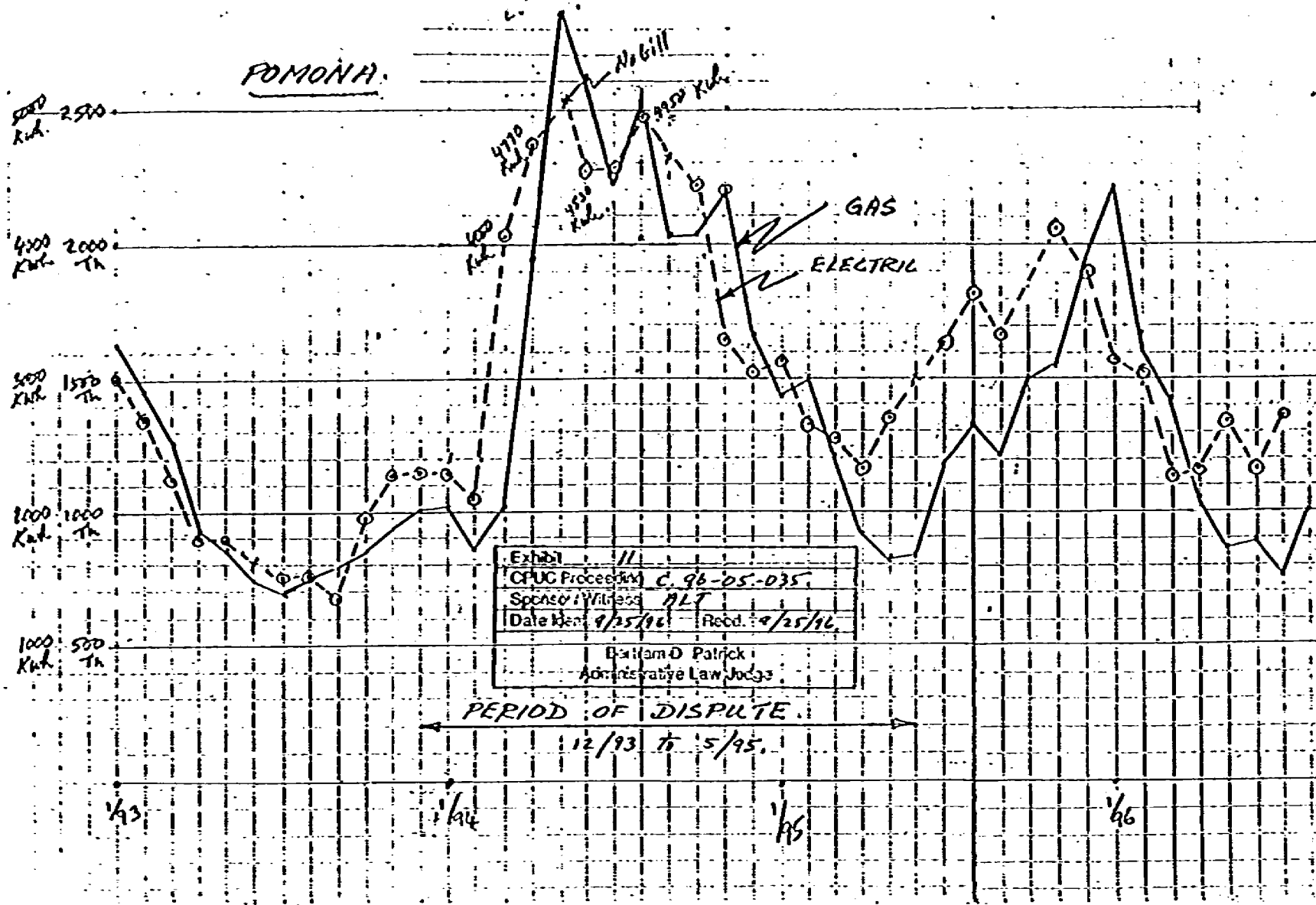


(END OF APPENDIX A)

C-96-05-034, C-96-05-035 ALJ/BDP/tcg

APPENDIX B

C.96-05-034, C.96-05-035 ALJ/BDP/tcg



(END OF APPENDIX B)