

JAN 23 1997

Decision 97-01-032 January 23, 1997

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Brian Andrew Hyatt,

Complainant,

vs.

Southern California Gas Company (U 904 G),

Defendant.

Case 95-09-040
(Filed September 11, 1995)

O P I N I O N

Brian A. Hyatt, for himself, complainant.
Steven D. Patrick, for Southern California Gas
Company, defendant.

Background

Complainant Brian Andrew Hyatt disputes the accuracy of his gas billings from defendant Southern California Gas Company (SoCal). He argues that the adjustment offered by SoCal for a leak in his swimming pool gas line is inadequate and inconsistent with his normal gas usage at his former residence located at 555 West Fifth Street in Los Angeles. He alleges fraud by SoCal, and requests an adjustment in the billing and an investigation into the fraudulent practices of SoCal. Hyatt wishes to be apprised of status for potential civil complaint.

SoCal responds that all billings have been correct and in accordance with its approved tariffs. After complainant contacted it about a high bill, SoCal sent a field representative to investigate. A 12 cubic foot per hour leak was found in complainant's pool line. Later complainant contacted SoCal, indicating dissatisfaction with SoCal's findings, and that he was taking the matter to the Commission.

Hearing

A duly noticed hearing was held in Escondido on October 29, 1996.

Hyatt represented himself.

SoCal, represented by attorney Steven D. Patrick, presented the testimony of Field Representative David Duntsch, and Appliance Service Representative

Ronald A. Munoz. The case was submitted upon receipt of the transcript on November 1, 1996.

Positions of Parties

Complainant

Hyatt alleges fraud by SoCal, stating that Duntsch came out to perpetrate a fraud by doing an evaluation and not furnishing the information to him. The gas usage billed by SoCal is fraudulent because Hyatt was not present except for some weekends and could not have consumed such large amounts of gas as billed.

Defendant

SoCal responds that it treated this case fairly, granting a tariff adjustment of \$14.80 for eight days' leakage, the length of time it took to investigate this case. Contrary to complainant's claim that his average gas bill was around \$30, the billing records show that his bills averaged \$79.57 during the 1993-1994 heating season, \$39.74 for the six months prior to the October 1994 bill, and \$52.66 for the nearly one-year period he resided at the home.

Discussion

At the request in 1993 of a Ms. Goldshmidt at the same residence relating to this complaint, who stated that her consumption had doubled, Munoz checked all the gas appliances and found them to be in proper working order. He then performed a leak test, and found no leakage on the service. This test is performed by shutting off all pilot lights and gas appliances, then observing whether any usage is recorded on the meter.

Duntsch began a high bill investigation in October, 1994. To the best of his recollection, he first read the meter to verify an accurate reading, then turned off all appliances and pilot lights to check for usage. If there is usage, either another appliance exists that was not turned off, or a leak exists. In this case, there was usage recorded on the meter, which was found to be due to a leak in the pool line. Once the pool line was shut off, no usage was recorded. Hyatt apparently had requested information that Duntsch could not furnish, so he gave Hyatt an office number to call for the information.

Hyatt is very suspicious of SoCal's operations regarding his case. He alleges fraud and improper handling, both in his case and as a company general policy. However, he offers no proof, only allegations against the defendant and its employees.

Duntsch explained that he did not tell Hyatt the value of the leaked gas, because quantification of the value of gas is done at the office on a computer program which has the pertinent tariff data available.

As SoCal argues, since the leak was found to be on the customer's side of the meter, it is the responsibility of the customer. SoCal was able to shut off gas to the pool line, which isolated the leaking line; gas service to the house was not leaking and was left in service.

The adjustment SoCal made was done in recognition of its delay in investigating and finding the leak.

Complainant had presented no evidence of wrongdoing or fraud on the part of defendant, and offers no justification for the Commission to open an investigation into the alleged fraudulent practices of SoCal.

There is no justification for the Commission to order a further monetary adjustment in this matter.

The Commission does not offer legal advice on potential civil complaints.

The complaint should be denied.

Findings of Fact

1. The gas leak at complainant's former residence was on the pool line, which is the customer's responsibility.
2. Complainant requests an adjustment in his gas billing in addition to the \$14.80 adjustment granted by SoCal.
3. Complainant alleges, but offers no evidence of fraud by SoCal.

Conclusions of Law

1. There is no merit to the complaint.
2. The complaint should be denied.

O R D E R

IT IS ORDERED that:

1. The complaint of Brian Andrew Hyatt against Southern California Gas Company is denied.

2. This proceeding is closed.

This order becomes effective 30 days after today.

Dated January 23, 1997, at San Francisco, California.

P. GREGORY CONLON
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners