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Decision 97-01-035 January 23, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John N. Haley,
Complainant,
vs.
The Gas Company,
Defendant.

ORIGINAL

(ECP)
Case 96-08-046
(Filed August 21, 1996)

John N. Haley, for himself, complainant.
Sid M. Newsom and Hector Parocua, for
Southern California Gas Company,
defendant.

O P I N I O N

This complaint was filed under the Expedited Complaint Procedure set forth in Section 1702.1 of the Public Utilities Code and Rule 13.2 of the Commission's Rules of Practice and Procedure.

A duly noticed public hearing was held in Los Angeles on September 23, 1996. John N. Haley (complainant) testified on his own behalf, and Sid M. Newsom and Hector Parocua testified for Southern California Gas Company (SoCalGas or defendant). The matter was then submitted for decision.

Background

On July 25, 1995, Haley complained to SoCalGas that his gas bill of July 18, 1995 was excessive and erroneous. In fact, Haley's gas bills for the four months preceding his complaint were greatly in excess of his usual billings for the same months in earlier years.

On July 26, 1996, SoCalGas sent a representative to Haley's home to investigate the complaint. The investigation revealed no gas leaks on complainant's premises, but found that a

gas heater in a downstairs room was turned on but not ignited. There was no way to tell how long this condition had existed, according to the representative.

Haley was not satisfied with the investigation and made an informal complaint to the Consumer Services Division (CSD), depositing \$374.29 with the Commission.

On December 1, 1995, defendant replaced complainant's meter and tested the old one. The results of the meter test revealed that the instrument was recording well within the Commission's authorized 2% tolerance.

SoCalGas reported its findings to Haley and to CSD that the meter operated properly, that the meter readings were verified as correct, and that complainant's appliances, if in operation, would have utilized the amount of gas registered as having been consumed at Haley's premises. Complainant was also informed that since he had received no benefit from the above-normal gas usage, SoCalGas would absorb one-half of complainant's estimated loss.

CSD relayed defendant's suggested compromise to complainant by letter dated June 24, 1996, allowing complainant until July 10, 1996, to informally appeal its findings. Receiving no further word from Haley during the allotted time, CSD disbursed the sum on deposit as follows: \$149.82 to complainant and \$224.47 to SoCalGas to be applied to complainant's account which was also credited with \$149.82.

Haley, being unsatisfied with the utility's adjustment offer which he had reluctantly accepted, contacted CSD to obtain forms and instruction on filing a formal complaint. The complaint was filed on August 21, 1996.

Evidence

At hearing, all of the background material was presented. In addition, both complainant and the SoCalGas representative who inspected Haley's premises in July 1995 testified.

There is conflict in the evidence respecting what was said and done at the July 1995 meeting between defendant's inspector and complainant, each witness remembering the events differently.

However, the evidence is clear that the meter at complainant's home was operating properly and that it was accurately read by defendant. In these circumstances, the burden of proving some error or omission on the part of defendant falls upon complainant. Haley has not proven that such error or omission occurred.

O R D E R

IT IS ORDERED that the relief requested is denied.
This order is effective 30 days from 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