

Decision 97-05-027 May 6, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ethan M. Wilber,)
)
Complainant,)
)
vs.)
)
Pacific Gas and Electric)
Company,)
)
Defendant.)

(ECP)
Case 96-10-024
(Filed October 15, 1996)

ORIGINAL

Ethan M. Wilber, for himself, complainant.
Mary Camby, for Pacific Gas & Electric Company,
defendant.

O P I N I O N

Complainant, Ethan M. Wilbur, rents a residence on a three-acre parcel which also has another residence and a shop shared by complainant and the other residential tenant. Complainant and the other tenant had separate residential utility accounts. The shop account was in complainant's name, but the other tenant often contributed to the bill.

In August 1993, complainant's residential account was terminated for nonpayment. Complainant admits that he used power from the shop by extending extension cords from his mobilehome to the shop.

On November 9, 1994 and February 24, 1995, defendant, Pacific Gas and Electric Company (PG&E), investigated and corrected a meter which had been removed from another location and placed in complainant's meter socket. The stolen meter had substantial usage for which defendant billed complainant. Complainant disputes this bill for \$1,237.71 for the period August 1993 to September 1994, plus investigative costs of \$288.20, because he alleges it is based on usage greater than his average monthly usage.

At the hearing on November 13, 1996, both parties presented testimony and evidence regarding the disputed bill. Complainant's position is that PG&E should have notified him of the stolen meter in 1994 when it was first discovered to avoid any escalation of the usage. He denies removing his meter or having any knowledge that it had been removed.

PG&E calculates complainant's residential and shop average usage from September 1992 to September 1993 to be \$120.28 per month; the actual usage recorded on the meter for September 1993 to February 1994, is \$124.06 per month. In addition, PG&E records show that the stolen meter was removed from service at a nearby residence in December 1993. PG&E's meter test prior to the hearing shows the stolen meter is operating efficiently. PG&E deducted from complainant's estimated usage the last reading on this meter from the original location. PG&E also showed the signs of wear on the stolen meter and complainant's meter socket indicating the meter was frequently removed, such as monthly when the meter reader read the meter. This wear is not normal for an assigned meter which is almost never removed once installed. PG&E also points to its tariff Rule 17.2, which allows it to recover all costs from investigating unmetered usage.

Although complainant had no knowledge of the relocation of another meter to his meter socket, he admits that he benefitted from the usage; therefore, he is responsible for charges for reasonable usage.

The evidence of PG&E shows that the disputed bill is representative of complainant's prior usage and is, therefore, reasonable. Accordingly, the complaint must be denied.

O R D E R

IT IS ORDERED that this complaint is denied. This proceeding is closed.

This order is effective today.

Dated May 6, 1997, at San Francisco, California.

P. GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners