

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



February 8, 1999

TO: PARTIES OF RECORD IN CASE 98-06-036
DECISION 99-02-054, Mailed 2/8/99

On January 6, 1999, a Presiding Officer's Decision in this proceeding was mailed to all parties. Public Utilities Code Section 1701.2 and Rule 8.2 of the Commission's Rules of Practice and Procedures provide that the Presiding Officer's Decision becomes the decision of the Commission 30 days after its mailing unless an appeal to the Commission or a request for review has been filed.

No timely appeals to the Commission or requests for review have been filed. Therefore, the Presiding Officer's Decision is now the decision of the Commission.

The decision number is shown above.

A handwritten signature in cursive script that reads "Lynn T. Carew".

Lynn T. Carew, Chief
Administrative Law Judge

LTC:avs

Attachment

Decision 99-02-054

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Edith W. Albright,

Complainant,

vs.

Southern California Gas Company,

Defendant.

Case 98-06-036
(Filed June 9, 1998)

Edith W. Albright, complainant.
Sid M. Newsom, for Southern California
Gas Company, defendant.

O P I N I O N

Summary

This decision finds that complainant Edith W. Albright consumed the amounts of gas for which she was billed from August 8, 1996 to May 18, 1998. Because defendant Southern California Gas Company (SoCalGas) rendered unrealistically low estimated bills during the period of lack of access to complainant's meter, complainant was deprived of the information that would have encouraged her to conserve gas.

SoCalGas is ordered to credit complainant's account with one-third the difference in value of the gas usage as estimated and as corrected for the six billing periods ended October 8, 1996 to March 11, 1997.

Background

This case, filed on June 9, 1998, alleges incorrect gas billings and/or a faulty gas meter for the billing periods ending April 10, 1997 to May 18, 1998. The account, 063 703 8851, for the residence at 2612 West Eightieth Street in Inglewood is in the name of A.J. Michelson, who co-owns the house with complainant. Complainant resides there alone and pays the SoCalGas bills. Albright requested a meter test, and states that even though she was out of town for periods of up to 12 days at a time, her gas bills remained unusually high. Her bills were twice the amount of the neighbors on both sides of her house. Albright alleges that SoCalGas representatives told her that after her meter was replaced, the new meter was bad, and that gas was leaking from it. She firmly believes that gas bills of over \$100 per month are not accurate.

SoCalGas responds that because of a locked gate at Albright's house, it was unable to read her meter and rendered estimated bills for the seven billing periods ending September 9, 1996 to March 11, 1997. When access was obtained and the meter read, it was obvious that the prior usage had been underestimated. Complainant's account was rebilled on April 28, 1997 with the actual usage redistributed to allow proper baseline usage benefits. A remote meter-reading device was installed on June 12, 1997 to allow the meter to be read subsequently without accessing it.

SoCalGas rechecked the meter read on June 20, 1997. At complainant's request, SoCalGas completed a high-bill investigation, changed the meter, and checked the appliances for leaks. The investigation revealed normal gas usage and found no gas leaks. Upon further request of complainant, the meter was changed and the old meter was tested in her presence on August 18, 1997. The meter was found to be operating 2.5% slow. This error is beyond the allowable

tolerance of 2% fast or slow. However, operating slow is in the customer's favor since less usage is recorded than is actually consumed.

Albright still believed that she could not be consuming as much gas as was billed, and requested another high-bill investigation and meter change. On March 10, 1998 the high bill investigation was completed and the second meter tested. Albright declined to witness this meter test on March 18, 1998, which found the meter to be operating without error.

The Commission Consumer Services Division (CSD) recommended that SoCalGas make an adjustment to complainant's billings due to the fact that during the estimated billing periods she missed the opportunity to conserve without knowing the level of her usage. SoCalGas denied such adjustments based on the fact that her current usage is higher than during the adjusted billing periods, demonstrating that she did not conserve after experiencing the high bills.

Hearing

Complainant testified on her own behalf. Complainant is obviously an honest and sincere person who does not believe she could have used the amounts of gas that were billed. She testified that she lives alone and is careful to turn off appliances when she is not home. In addition, she was told by a SoCalGas service man that she had a gas leak. She especially does not understand how she could use essentially the same amounts of gas during billing periods when she was out of town for as many as 12 days.

SoCalGas sponsored the testimony of Connie Christensen, Special Investigations Supervisor. Christensen testified that Albright's appliances are reasonably capable of consuming the amounts of gas billed, based on their rated capacities. During the second high bill investigation, the service man found the forced air heater thermostat set at 70 degrees. Each appliance was checked for

leaks by turning off all appliances, and then watching the meter for any movement. Lacking movement of the meter, there are no leaks, and none were found.

Discussion

Complainant does not believe that she could have used the amounts of gas that were billed. Upon further discussion at the hearing on what she might do to reduce her usage, it was revealed that her water heater is located outside the house where it is exposed to the elements, and it does not have an insulating blanket. Albright does not know if her house has insulation.

We have no evidence that complainant was incorrectly billed. Her meter was changed twice, with the old meter tested each time. The original meter tested slow, to complainant's benefit. The second meter tested perfectly accurate. The appliances at the house are easily capable of using the amounts of gas billed. Significantly, the location of the water heater outside the house, without an insulating blanket, combined with the potential lack of insulation in the house, contribute to the high usage during the winter months.

While Albright believes that she is conserving energy, the SoCalGas service person found her thermostat set at 70 degrees.

In addition to having the water heater wrapped, SoCalGas suggested other conservation measures to her, such as window covers, in an attempt to help her reduce future gas consumption. She also was advised to have the house inspected to determine if it has insulation, and if it does not, to consider installing insulation, especially in the ceiling.

While it is true that Albright's gas usage remained high during cold months even after she was rebilled to correct for the low estimated bills, we nevertheless believe that she should be allowed an adjustment to her bills for that period. As Consumer Services Division (CSD) stated in its May 1, 1998 letter to

complainant, while there is no requirement that SoCalGas adjust the bills during the period of estimated bills, the company should consider an adjustment, especially since the estimated bills were unrealistically low during the winter months, in CSD's opinion. SoCalGas argues that such an adjustment is not warranted since Albright's gas usage was high even after the meter was read and she received the corrected bills.

Whether complainant conserved after experiencing high gas bills is not relevant here. We believe based on her complaint and testimony that she assumed that she was not using the amounts of gas that were billed, and thus was not motivated to conserve. In any case, she did not have the opportunity to react to high bills for six months after receiving the September 19, 1996 bill. Aggravating the situation were what we believe were dramatically unrealistic estimates of her usage during the winter of 1996-1997. Defendant presented no evidence to support the reasonableness of those estimated bills. For example, complainant was initially billed for 9 therms, corrected to 133 therms in the November 1996 bill, 13 therms initially corrected to 151 therms for the December 1996 bill, and 16 therms initially for each of the January and February 1997 bills, corrected to 147 and 134 therms, respectively. Although defendant did not have access to complainant's meter, we believe that such low estimated bills during the heating season are not realistic, and unfortunately resulted in large corrected bills. We, thus, conclude that these are unreasonable amounts in violation of Public Utilities (PU) Code § 734.

We believe that fairness requires an adjustment to complainant's bills for the six-month period beginning with the next bill issued after September 19, 1996, i.e., October 8, 1996. Had the bills been based on more realistic estimates, complainant would have had an opportunity to conserve beginning October 8, 1996. We will order SoCalGas to credit the account for one-third of the

difference in usage between the estimated bills and the corrected bills for the six billing periods ended October 8, 1996 to March 11, 1997, and will close the proceeding.

Findings of Fact

1. SoCalGas unrealistically underestimated complainant's gas usage for seven months.
2. Complainant's original meter was replaced and tested; it was found to be operating 2.5% slow.
3. Complainant's new meter was replaced and tested; it was found to be operating perfectly accurately.
4. No gas leaks were found on complainant's premises.
5. Complainant's appliances are reasonably capable of consuming the amounts of gas as billed.
6. Complainant consumed the amounts of gas as billed.
7. Complainant was not motivated to respond to the high gas usage when SoCalGas underestimated her usage.
8. Defendant billed complainant unreasonable amounts in violation of PU Code § 734.

Conclusions of Law

1. SoCalGas should provide an adjustment to complainant's bill for six months of estimated usage.
2. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. Within 30 days of the effective date of this order, Southern California Gas Company (SoCalGas) shall credit the account 063 703 8851 at 2612 West Eightieth Street in Inglewood of A. J. Michelson with the value of one-third of the difference in gas usage between the estimated bills and the corrected bills for the six billing periods ended October 8, 1996 to March 11, 1997.

2. This proceeding is closed.

This order is effective today.

Dated February 8, 1999, at San Francisco, California.