Mailed 6/10/2002

Decision 02-06-013 June 6, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Janice D. and Francis R. Eakle, Complainants, vs. Pacific Gas and Electric Company, Defendant.	(ECP) Case 02-02-035 (Filed February 20, 2002)

OPINION ON BILLING COMPLAINT

Summary

Janice D. Eakle and Francis R. Eakle (Complainants) allege that Pacific Gas and Electric Company (PG&E) overcharged them for electricity because of a defective meter. PG&E tested the meter at Complainants' request and found that it was operating within the limits of accuracy prescribed by the Commission. However, PG&E replaced the meter and immediately after the new meter was installed recorded usage dropped significantly. Complainants allege that the old meter was running approximately 40% fast and that PG&E's technician made a mistake when he conducted the meter test.

The record shows that Complainants' usage for the winter months of 2000 with the old meter is similar to usage for the winter months of 2001 with the new

meter. Therefore, we are not persuaded by Complainants' argument that the old meter was operating 40% fast in the summer months of 2000 (because it would not have resumed operating within the prescribed limits of accuracy during the following winter months). The complaint is dismissed.

Background

Complainants dispute electric usage billed for the period of May 24, 2000, through June 4, 2001. On June 4, 2001, at Complainants' request, the meter was tested with one Complainant (Mrs. Eakle) present. PG&E determined that the meter was operating within the limits of accuracy prescribed by the Commission.

Following installation of a new meter on June 4, 2001, Complainants' usage over 10 days dropped from a previous daily average of 36.1 kWh, between 5/16/01 – 6/4/01, to an average of 16.7 kWh/day, between 6/4/01 – 6/14/01. The Complainants claim that the lower electric usage on the new meter proves that the old meter was not operating properly. They dispute the results of the meter test, suggesting that human error caused the malfunctioning meter to test accurately. During the previous summer (6/14/00 – 8/16/00), while the alleged malfunctioning meter was in place, Complainants' usage averaged over 1000 kWh per month. In 2001, following the meter change, their peak summer usage (6/14/01 – 8/15/01) dropped to about 560 kWh per month. The Complainants attribute this change in usage to a defective meter, running approximately 40 percent fast.

PG&E agrees that the electric usage dropped immediately following the meter change on June 4, 2001. However, PG&E maintains that the meter was tested appropriately, and was found to be operating properly, as is supported by

the meter test results. PG&E points out that the meter readings for the period in dispute are sequential and consistent, which confirms no meter reading or billing error. PG&E states that the Complainants' connected electric load, which includes central air conditioning, swimming pool, refrigerator, freezer, washer, dryer, range/oven, and exterior lighting, would easily support the energy consumption recorded during the period in dispute. According to PG&E, Complainants' average usage during the summer months of year 2000 (with the old meter) of over 1000 kWh per month is a normal seasonal usage pattern for the area. It is PG&E's position that the Complainants did in fact change their energy usage patterns to conserve energy.

PG&E denies that the old meter was defective and not operating within the accuracy limits prescribed by the Commission, or that a mistake was made by the meter technician during the test on June 4, 2001. According to PG&E, the meter tested 0.7% slow, with 1 ampere applied, and 0.2% slow, with 15 amperes applied. PG&E notes that these are referred to respectively as light load and full load tests, and according to Commission regulations the meter is considered accurate if it is within plus or minus 2.0% accurate.

The Hearing

An unreported hearing on the Complaint was held in Chico on April 10, 2002.

Complainant (Mrs. Eakle) testified that: upon purchasing their house in May, 2000, they remodeled it and installed ceiling fans and window blinds in all rooms; they mostly do not use the central air conditioner but use the ceiling fans

instead; their swimming pool needs only infrequent cleaning because the wind blows leaves away from the pool; the pool filter is activated by a manual wind-up type timer that shuts off automatically; they do not use their electric clothes drier but instead hang up their laundry to dry, even in the winter time; they use their electric oven only once a week to cook a meat roast, except on holidays when they do extra baking; and they mostly use their barbeque for cooking. Complainant contends that the old meter was running 40% fast, and if PG&E had the meter available she would arrange a test at her expense to prove that the old meter was defective and the meter test incorrect.

PG&E meter technician Curtis Hamby, a 37-year PG&E employee with approximately 30 years experience working in PG&E's Field Metering Services Department, testified that: he tested the meter in question at Complainants' house and the meter was operating within the limits of accuracy prescribed by the Commission; he replaced the meter because the glass cover broke and the meter was old (1951); the broken glass cover would not affect the performance of the meter; he checked the meter components (gears and registry) which were in satisfactory condition; and he checked for grounded circuits which would draw energy with no load from the household and no grounded circuits were found. He stated that, based on his experience, when meters get old they eventually run slow, not fast. He also stated that the old meter was no longer available for further testing because it had been "junked."

Discussion

The fact that the old meter is no longer available for testing does not dictate the outcome of this proceeding, although it would have been helpful if it had been available.

The record shows that Complainants' usage during comparable winter months of 2000 and 2001 with the old and the new meter respectively, is similar:

Old Meter

Date	Days	Usage	kWh/Day
12/13/00	33	735	22.3
1/12/01	30	620	20.7
2/13/01	No access for read		
3/15/01	62	1586	25.6
Total	**125**	**2941**	**23.5**

New Meter

Date	Days	Usage	kWh/Day
12/12/01	27	564	20.9
1/14/02	33	718	21.8
2/14/02	31	657	21.2
3/15/02	29	598	20.2
Total	**120**	**2537**	**21.5**

If the old meter did in fact run 40% fast, we would expect that the usage recorded with the new meter would be significantly less, but this is not so. And, we conclude from the above data that usage recorded during the winter months of 2000 and 2001 being similar validates the accuracy of the old meter, and any fluctuation in consumption levels during comparable months reflects Complainants' actual usage patterns. It is simply not possible that the old meter could have worked 40% fast in the summer months of 2000 and then returned to working within the prescribed limits of accuracy for the winter months that followed.

The Complainants have not offered any evidence to support their theory of a defective meter other than decreased electric consumption following the meter change. On the other hand, the Complainants' connected load is sufficient to support the levels of consumption billed. Further, we find no reason to doubt the results of PG&E's meter test. Therefore, we conclude that the complaint should be dismissed.

O R D E R

IT IS ORDERED that:

1. The complaint of Janice D. Eakle and Francis R. Eakle is dismissed.
2. Case 02-02-035 is closed.

This order is effective today.

Dated June 6, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners