

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Victoria L. Nance,

Complainant,

vs.

Penngrove Water Company (U120W),

Defendant.

(ECP)

Case 13-12-020

(Filed December 27, 2013)

Victoria L. Nance for Complainant.Karen Ball for Defendant.**DECISION DENYING COMPLAINT AND ORDERING
DISBURSEMENT OF FUNDS****1. Summary**

The complaint is denied because the evidence shows Victoria L. Nance, Complainant, was accurately billed. \$170.52 of the funds that Complainant has deposited with the Commission shall be disbursed to Penngrove Water Company (U120W), Defendant, and the remaining balance to Complainant.

2. Background

Complainant, Victoria L. Nance's (Nance) August 2013 water bill was \$920.52, about three times the normal amount. Unable to pay such an unexpectedly large bill in a single payment, Nance spoke to a representative of Defendant, Penngrove Water Company (U120W) (Penngrove), who advised her

to file a complaint with the company, which she did on September 10, 2013, by filling out a complaint form on the back of her billing statement. At the same time she called in a landscaper who discovered two leaks in her irrigation system, which she promptly repaired at a cost of \$135. Nance acknowledges that the leaks were the cause of the outsize bill.

Because of the unexpected size of this bill, the additional cost of repairs to the sprinkler system, and her prior history as a good customer, Nance requested a courtesy adjustment in the bill. Penngrove refused to adjust the bill but a representative of the company advised Nance that she could make installment payments.

In September, Nance made an initial payment of \$450 toward the August bill, leaving a balance due of \$470.52. In October, Nance made a payment of \$385.03 consisting of \$285.03 for the actual water usage in September and an additional \$100 toward the August bill, leaving a balance due of \$370.52. Penngrove responded to these payments by writing a letter in which it threatened to cut off her water supply if she did not immediately pay the balance due. After Nance reminded Penngrove of its representative's statement that she could pay off the balance in installments, the company refrained from cutting off her water.

Nance then deposited the remaining balance due with this commission and requested a hearing which was held at the Commission's office in San Francisco, California on February 24, 2014.

At the hearing, Penngrove did not dispute the accuracy of Nance's account of their dealings and reiterated its position that it was entitled to payment in full. In response to a question from the presiding Administrative Law Judge (ALJ), Nance indicated that attending the hearing cost her approximately \$200.

3. Discussion

Complainant has the burden of proving that the utility rendered an inaccurate bill. As a duly licensed investor-owned water utility, Penngrove is authorized by this Commission to bill its customers for usage measured by water meters installed at the customer's premises at the rates shown on its filed tariffs. There is no evidence in the record to suggest that Penngrove rendered an inaccurate bill for August 2013. Furthermore, Nance does not contest the accuracy of the bill. Therefore, the Commission finds that Penngrove accurately billed Nance for water usage in August, 2013.

We also find that Penngrove did not follow through on its representation to Nance that she could pay the August bill in installments; that Nance made substantial good faith payments to eliminate the balance due; and that without justification Penngrove threatened to cut off Nance's water supply; an act that necessitated the evidentiary hearing. For those reasons, we will offset Nance's expenses in attending the hearing against the amount due to Penngrove to pay off the August bill.

4. Assignment of Proceeding

Carla J. Peterman is the assigned Commissioner and Karl J. Bemesderfer is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Defendant accurately billed Complainant for August 2013 water usage.
2. Defendant advised Complainant that the August bill could be paid in installments.
3. Complainant made substantial good faith payments to eliminate the balance due on the August bill.
4. Defendant wrongly threatened to cut off Complainant's water supply.

Conclusions of Law

1. The complaint should be denied.
2. The balance due to Penngrove Water Company should be reduced by the cost to Complainant of attending the evidentiary hearing in this matter.
3. \$170.52 of the funds that Complainant deposited with the Commission should be disbursed to Defendant.
4. \$200 of the funds that Complainant deposited with the Commission should be returned to Complainant.
5. This proceeding should be closed, effective immediately.

O R D E R

IT IS ORDERED that:

1. The complaint of Victoria L. Nance is denied.
2. The funds in the amount of \$370.52 that Victoria L. Nance has deposited with the Commission shall be disbursed as follows: (a) \$170.52 to Penngrove Water Company as full satisfaction of the outstanding balance of the August 2013 bill; and (b) \$200 to Victoria L. Nance to reimburse her for the cost of attending the evidentiary hearing in this matter.
3. Case 13-12-020 is closed.

This order is effective today.

Dated _____, at Los Angeles, California.