

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

<p>Burney Falls Module Estates,</p> <p style="text-align: center;">Complainant,</p> <p style="text-align: center;">vs.</p> <p>Del Oro Water Company (U61W),</p> <p style="text-align: center;">Defendant.</p>

<p style="text-align: center;">(ECP)</p> <p style="text-align: center;">Case 13-10-013</p> <p style="text-align: center;">(Filed October 30, 2013)</p>
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DECISION DENYING COMPLAINT

Summary

Complainant, Burney Falls Module Estates, seeks a reduction in charges for water usage from December 2012 through March 2013, based upon Complainant’s assertion that its master water meter was inaccurate, was physically manipulated, and the resultant reading was highly inaccurate. Complainant further asserts that the amount billed by the Defendant for the affected time period should be based upon aggregated readings of Complainant’s tenants’ submeters rather than an average of the last two years of master meter measured usage employed by the Del Oro Water Company (U61W) (Defendant). The Complainant’s request is denied, all monies held in impound by the Commission are ordered to be paid to the Defendant, and the matter is closed.

Complainant's Contention

Burney Falls Module Estates (Complainant) is a master metered modular home park located in Burney Falls and represented in this proceeding by its owner, Mr. Donald Selvey. Selvey contends the master meter for the modular home park was vandalized and turned forward, thereby resulting in a highly inaccurate measurement of Complainant's actual usage during the period of December 15, 2012, through March 15, 2013. Selvey contends that the amount billed by the Defendant for the affected time period should be based upon aggregated readings of Complainant's tenants' sub-meters rather than an average of the last two years of master meter measured usage employed by Del Oro Water Company (U61W) (Defendant). Complainant has placed the following amounts, totaling \$1,147.95, in impound with the Commission pending resolution of this complaint.

Check #1064, dated October 4, 2013, in the amount of \$139.39;

Check #1065, dated October 21, 2013, in the amount of \$118.14;

Check #129, dated December 8, 2013, in the amount of \$168.64;

Check #138, dated January 2, 2014, in the amount of \$164.67;

Check #140, dated January 28, 2014, in the amount of \$177.75;

Check #1018, dated March 2, 2014, in the amount of \$173.87; and

Check #1033, dated March 23, 2014, in the amount of \$205.49.

Complainant offered no evidence to document the aggregated readings of the tenants' sub-meters, but offered pictures in support of his claim of physical damage to the meter and to support his theory that the meter had been physically manipulated to increase the usage reading.

Defendant's Contention

Defendant asserts that it estimated the usage of all of its customers during the months of January and February 2013 due to ice and snow that made physical meter reading impossible. Defendant asserts that it issued "catch up" bills in March which billed its customers for the difference between their estimated and actual usage for December, January and February. Defendant asserts that the Complainant refused to pay the estimated billing for February 2013 because it was an estimated bill. Defendant further asserts that it read the Defendant's meter on March 12, 2013, and replaced the broken glass meter face. Defendant asserts that on March 18, 2013, it credited the Complainant's account with a one-time courtesy discount of \$234.81, which was an amount equal to the average of Complainant's two-year average usage. Defendant asserts that it issued a catch-up bill to Complainant on March 20, 2013, which, after applying the \$234.81 one-time leak adjustment left a balance of \$523.03 due and owing for the period of December 15, 2012, through March 15, 2013.

Defendant asserts that it responded to Complainant's informal complaint handled by the Commission's Consumer Affairs Branch and sought the release of the \$523.03 that Complainant had placed in impound with the Commission pending the outcome of that informal complaint. Defendant asserts that it received \$523.03 from the Commission on or about October 18, 2013, when the Complainant did not file a formal complaint within 30 days of the denial of his informal complaint. Defendant demonstrated at the hearing held on April 7, 2014, that it was physically impossible to manipulate the reading on the water meter by moving the numbers with a screwdriver or similar instrument. Defendant denies that Complainant is entitled to any further reduction in his

billing for December 2012 through March 2013, and Defendant seeks the release to it of the \$1,147.95 held in impound.

Discussion

The Complainant offered no evidence to support his claim that the master meter was turned forward or that the master meter is inaccurate or defective. The Defendant, however, conclusively demonstrated in the hearing that it was physically impossible to manipulate the reading on the face of the water meter. The Defendant further demonstrated that it took the Complainant's claim seriously and responded appropriately in issuing a credit and providing both the Complainant and the Commission with complete and timely responses to inquiries.

The Complainant's claim is denied and the \$1,147.95 held in impound is ordered released to the Defendant.

Assignment of Proceeding

Carla Peterman is the assigned Commissioner and Richard W. Clark is the assigned Administrative Law Judge in this proceeding.

O R D E R

IT IS ORDERED that:

1. The complaint of Burney Falls Module Estates is denied.
2. The Commission's Fiscal Office is hereby directed to release, to the Defendant, the total amount of \$1,147.95 currently held in the impound account established for this proceeding, consisting of \$139.39 and \$118.14 impounded on October 4, 2013; \$168.64 and \$164.67 impounded on January 9, 2014; \$177.75 impounded on February 4, 2014; and \$173.87 and \$205.49 impounded on March 26, 2014.

3. Case 13-10-013 is closed.

This order is effective today.

Dated _____, at San Francisco, California.