

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Christopher Douglas,

Complainant,

vs.

Pacific Gas and Electric Company (U39E),

Defendant.

(ECP)
Case 08-03-013
(Filed March 20, 2008)

Christopher Douglas, in pro per, complainant.

Lena Lopez, a non-attorney, for defendant Pacific Gas and Electric Company

DECISION DISMISSING COMPLAINT

Administrative Law Judge (ALJ) Victor D. Ryerson heard this matter in San Francisco on April 29, 2008, under the Commission’s Expedited Complaint Procedure. The hearing concluded, and the matter was submitted, on that date.

Christopher Douglas (complainant) alleges that Pacific Gas and Electric Company (defendant) overcharged his residential account for gas and electric service between November 20, 2006, and December 20, 2007, because the tariff charges used to bill him were improper and the bills were computed incorrectly. He seeks restitution of the full amount of the charges, \$3,760.61, and appointment of a third-party auditor to determine whether the charges were unlawfully billed.

Complainant initially deposited the full amount of the disputed bills with the Commission's Consumer Safety Branch (CAB) at the time he filed an informal complaint about this matter. CAB ultimately resolved the dispute in favor of PG&E, and the funds were sent to PG&E with complainant's consent on December 31, 2007, to restore his service, which had been disconnected that morning. Consequently, there is currently no impound account in this matter.

Complainant's belief that he was improperly billed is based upon the circumstance that his bills reflect mid-month rate changes, as well as the inclusion of taxes and surcharges, which complainant believes to be improper because they are not a part of the tariff rate. The parties' testimony makes it clear that complainant's belief is founded upon a set of incorrect assumptions complainant has made about PG&E's billing procedure and the applicable tariffs, so we must deny his request and dismiss the complaint.

Complainant's position that the inclusion of two separate components of both his gas and electric bill is improper is based upon the fact that PG&E reads each of his meters only once per month, and his belief that it is impossible to create bills showing a partial month's usage at one rate, and usage for the rest of that month at another rate, without reading the meter twice. However, Lena Lopez (Lopez), a PG&E Senior Tariff Analyst, testified that when there is a mid-month rate change, defendant creates the two components of the bill by multiplying average daily usage times the number of days involved, and then applies that figure to the prevailing rate for that period. The Commission-approved tiered rates are used to produce the sum billed for each period. The two parts are then totaled, producing the charges. Although this billing method relies upon an average daily use figure, and therefore does not account for daily fluctuations that may occur during the billing period, this is

PG&E's standard methodology, which has been approved by the Commission. There is nothing about this aspect of the preparation of complainant's bills that is improper.

Complainant also believes that the addition of taxes and surcharges to his bills, including a locally imposed Utility Users' Tax, is not proper, because these charges are not a part of what he characterizes as the tariff rate. However, this Commission-approved practice is used in preparing all residential customers' bills, and there is nothing improper about the fact that PG&E does it. We have examined complainant's bills and have found nothing unusual or improper about any of the bills for the period involved in this complaint.

Complainant unsuccessfully sought to obtain original documents from PG&E showing the readings recorded by the meter reader and the computations performed by the accountant responsible for preparing his bill, and he believes that these might reveal the reason for the mistakes in his bills. But complainant's position is based upon a misconception about PG&E's procedure for preparing its bills, which is now essentially automated. Lopez testified that meter readings are uploaded electronically by the meter reader, and then processed by computer, using billing software that applies the correct residential rate to the usage figures. No individual is specifically assigned to prepare complainant's bills or oversee his account, and PG&E committed no error by refusing complainant's request to produce the items he requested, because they do not exist.

Complainant requests the appointment of a qualified third-party auditor to recompute his bills using the proper tariff charges and determine whether he has been overcharged. We have no basis for granting this request. At the hearing the ALJ advised complainant that there are consultants who are in the

business of doing this type of work, normally for large commercial and industrial customers with complicated accounts. Complainant is free to hire a qualified consultant at his own expense to review his bills and tariffs, and PG&E is obligated by law to furnish to complainant's consultant the information upon which his bills are based. If mistakes are found, complainant should work directly with PG&E to have them corrected before seeking recourse to the Commission.

Absent any reliable evidence that defendant billed complainant's account improperly, complainant has not satisfied his burden of proof, and his complaint must be dismissed.

Assignment of Proceeding

Timothy Alan Simon is the assigned Commissioner and Victor D. Ryerson is the assigned ALJ in this proceeding.

O R D E R

IT IS ORDERED that:

1. Case (C.) 08-03-013 is dismissed.
2. C.08-03-013 is closed.

This order is effective today.

Dated _____, at San Francisco, California.