

CITY COUNCIL MEETING
April 7, 1993

AGENDA ITEMS PULLED FROM THE AGENDA

CC-16 Agenda Item #J-2 entitled, "Complaint received from Mr.
CC-51(d) Joseph M. Murphy, 1817 Amber Leaf Way regarding his utility
 billing" had been resolved, and, therefore, was pulled from
 the agenda.



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Utility Bill - Joseph M. Murphy, 1817 Amber Leaf Way

MEETING DATE: April 7, 1993

PREPARED BY: Finance Director

RECOMMENDED ACTION: That the City Council evaluate the information provided by the Finance Department and by Mr. Joseph Murphy of 1817 Amber Leaf Way as to whether Mr. Murphy's January 1993 electric bill in the amount of \$149.40 bill is correct and elect one of the following options:

1. Deny the request for billing adjustment
2. Refund \$149.40 to Mr. Murphy in part or full on grounds that an error was made or appears to have been made in the calculation of the bill or meter reading
3. Refund \$149.40 to Mr. Murphy in part or full on grounds that the meter does not accurately measure KWH
4. Direct staff to contract with an independent agency or electric utility company to test the electric meter at 1817 Amber Leaf Way at a cost not to exceed \$100 and return to Council with results of the test

BACKGROUND INFORMATION

Mr. Joseph M. Murphy was billed \$149.40 in January for his electricity between December 9, 1992 and January 12, 1993. This was a 367% increase over his \$32.00 November 1992 and a 105% increase over his December bill of \$72.89. Because the increase can not be explained by either the City or Mr. Murphy, he believes the bill to be in error and that it should be appropriately corrected.

Mr. Murphy brought his request to the Finance Department in either late January or early February after receiving his January bill. At that time he was apparently advised by a member of the Finance Department staff that the only grounds on which the bill could be corrected was if the meter was "bad", which "is known to happen". On this advice, Mr. Murphy requested a meter test.

The meter was tested by the Electric Department and found to be accurate and the Finance Department dispatched a meter reader to make a check read. Mr. Murphy was informed of the test results and charged \$18.00 in accordance with City policy that requires City customers to pay for the cost of conducting tests when the test proves the meter to be accurate; otherwise the City pays for test.

APPROVED

THOMAS A. PETERSON
City Manager



recycled paper

Mr. Murphy appealed to the Finance Director who on investigation and discussions with the Electric Department found that the meter was correctly tested and that the meter reading had been correct. The bill was also re-computed and found to be correct.

Mr. Murphy appealed to the City Manager in late February. A meeting was arranged with the City Manager, Finance Director, Assistant Director, Utility Department and the Field Services Manager. The facts were reviewed and Mr. Murphy's request was denied on grounds that there was no basis to allow an adjustment.

Mr. Murphy requested that the matter be submitted to the City Council on March 3. In the afternoon prior to the Council meeting, Mayor Pennino met with Mr. Murphy at his residence to review his request and to allow Mayor Pennino to inspect the meter and evaluate the usage. At that time, Mr. Murphy withdrew his appeal.

Mayor Pennino requested that Mr. Murphy be reimbursed the \$18 paid for the meter test on grounds that Mr. Murphy had apparently been misled by staff by stating that electric meters are known to go bad and that his bill would be corrected after the test. The money was refunded on March 4, 1993.

At the City Council meeting on March 17, Cheryl Reinke, a concerned citizen, protested the Council action of March 3, stating that Mr. Murphy's bill was in error and that it should be corrected based on the documentation she presented to the Council. Mr. Murphy was also present at the meeting and asked that his billing be looked into. Council directed that the matter be brought back to the meeting scheduled for April 7, 1993.

BASIS FOR REQUEST

In support of Mr. Murphy's request, the following information should be considered:

- * Between November 1991 and November 1992 (See Attached Billing History), Mr. Murphy's electric bill ranged between a low of \$23.75 in October 1992 to a high of \$66.51 in January 1992.
- * The January 1993 utility bill of \$149.40 is for consumption of electricity between December 9 and January 12, during which Mr. Murphy claims he was absent approximately 10 days and that no one was in the house those 10 days
- * Mr. Murphy claims that the electric meter was not properly tested in his presence in February
- * Mr. Murphy claims that the 61 days on his December bill is an obvious error and indicates that errors are made
- * Mr. Murphy's billing history reflects that he is a very conscientious customer whose overall use of electricity is low compared to most residential customers. Accordingly, he expects his utility bills to be low and consistent with his monthly history

CAUSE OF HIGH BILL

The City can not explain why Mr. Murphy's electric bill was as high as \$149.40 in January. The only facts which can be established is that the meter is accurate, that the meter reading was correct and that the bill was correctly calculated. Staff can only speculate what may have caused Mr. Murphy to have a high bill in December. For instance:

- * A malfunction in the "electric heat pump" or another appliance

- * The thermostat was turned down and not off
- * The temperatures in December were low and caused a heater to turn on

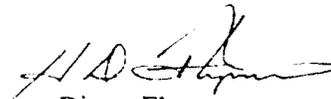
STAFF CONCLUSION

After reviewing Mr. Murphy's request and attempting to establish a rational basis to allow his bill to be corrected in full or part, it is the staff's conclusion that Mr. Murphy was properly billed for his electrical use at 1817 Amber Leaf Way in January for the following reasons:

- * The meter at this address is accurate and correctly measures electrical consumption
- * The meter was read on January 12, 1993 and appears to be correct based on tests and checks conducted by the Electric Department and Finance Department.
- * That 1,263 KWH was delivered to 1817 Amber Leaf Way and that the charge of \$149.40 is the correct calculation for this amount of electricity.
- * That the meter was properly tested in February
- * That the 61 days on his December bill is not a factor in computing the electrical bill but is an error. The number of days on the December bill should have been 30 days. The number of days is informational only to assist customers evaluate their usage. That Mr. Murphy is due an apology for this error with the explanation that this error does not change the calculation of his bill.

ALTERNATIVE SOLUTION

The City Council could elect to have the meter tested by an independent utility or contractor and provide the results to Mr. Murphy and to the Council. The estimated cost of the test is between \$50 and \$100. If this solution is determined to be in the best interest of the City, it may become an expensive option in resolving similar questions particularly when the Utility Department has the equipment and personnel to conduct these tests.



Dixon Flynn
Finance Director

Attachments
Billing History

cf: Henry Rice, Electric Utility Director

Customer Name: Murphy, Joseph M
 Address: 1817 Amber Leaf Way

Account Number: 85.1-46.04
 Account Opened: June 24, 1991

Billing History

	Billing	KWH Use	Read Date	Days	Neighbors	
					Average KWH Use	
March 1993	\$67.29	632	09-Mar	28		843
February	\$68.59	642	09-Feb	28		1,794
January 1993	\$149.40	1,263	12-Jan	34		1,597
December 1992	\$72.89	675	09-Dec	30		876
November	\$32.00	345	09-Nov	31		642
October	\$23.75	256	09-Oct	29		604
September	\$33.85	365	10-Sep	30		773
August	\$37.47	404	11-Aug	29		817
July	\$31.54	340	13-Jul	34		741
June	\$24.21	261	09-Jun	29		681
May	\$28.94	312	11-May	32		590
April	\$34.98	377	09-Apr	30		630
March	\$47.12	477	10-Mar	28		706
February	\$64.69	612	11-Feb	32		
January 1992	\$66.51	626	10-Jan	34		
December 1991	\$36.18	390	07-Dec	26		
November	\$31.45	339	11-Nov			

DILLON & MURPHY
CONSULTING CIVIL ENGINEERS

1820 W. Kettleman Lane, Suite E, Lodi, California 95242
P. O. Box 2180, Lodi, California 95241
(209) 334-6613 • Fax (209) 334-0723

February 25, 1993

FACSIMILE (209) 333-6795

Mr. H. D. Flynn
Finance Director
City of Lodi
221 W. Pine Street
Lodi, CA 95240

Re: Utility Bill Account No. 85.10-46.04

Dear Mr. Flynn:

I must respond to the letter you sent me dated February 23, 1993. My initial letter asked you to investigate some past utility billing problems. As you recall, my October/November bill (61 billing days) yielded 675 kilowatt hours while my December bill (34 billing days) yielded 1263 kilowatt hours. The reason for my concern was obvious, i.e. half as many days had twice as much electricity consumption.

First, you state that my meter was checked by the City. As I indicated in my meeting of February 23, 1993, with you, Tom Peterson, and Hans Hansen, the meter was tested by a technician using a "stopwatch method." By Mr. Hansen's own admission, this was an incorrect technique. I was improperly billed \$18.00 by the City for this test.

Secondly, you state you compared my bill with my immediate neighbors. This is a ridiculous comparison. In the same meeting of February 23, 1993, I informed you that I am the only single resident in my immediate vicinity and my home is the smallest home in my tract (whispering Oaks). This is an unfair comparison as it would be if I were to ask you to compare my bill with a 600 square foot single person apartment!

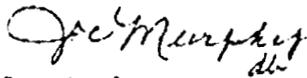
Thirdly, you stated you compared my billing history over the past three years. Again, as I have previously told you, I have not lived here three years. My only other December in this house was December of 1991. Comparing the previous resident's bill with mine is ridiculous, as there was a family of five people living in the house. You also state that December of 1992 was exceptionally cold. Was it four times colder than December, 1991, as my bill would indicate?

Mr. H. D. Flynn
February 25, 1993
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As you and Mr. Peterson stated in our February 23, 1993, meeting, you do not have the authority to adjust a billing error. You both advised me to seek judgment from the City Council which I am prepared to do on March 3, 1993.

Just a thought--if my bill were \$1,181 instead of \$181, would I still be required to go to City Council for adjustment? I think not!

Sincerely,



Joe Murphy

JM:db

cc: Mr. Philip Pennino
Mr. Jack A. Sieglock
Mr. Stephen Mann
Mr. Randy Snider
Mr. Ray Davenport

DILLON & MURPHY
CONSULTING CIVIL ENGINEERS

RECEIVED

1820 W. Kettleman Lane, Suite E, Lodi, California 95242
P. O. Box 2180, Lodi, California 95241
(209) 334-6613 • Fax (209) 334-0723

APR 5 11:38
JENNIFER H. FERRIN
CITY CLERK
CITY OF LODI

April 2, 1993

City Clerk
City of Lodi
221 W. Pine Street
Lodi, CA 95240

Dear City Clerk:

Upon your request, I am withdrawing my item from the upcoming April 7, 1993, City Council meeting agenda. I am sickened by the service I received from the City Utility Department staff, City Finance Department staff, the City Manager and several of the City council members.

Since my opportunity to speak at the March 17, 1993, City Council meeting, I have tried to contact several councilmen and the Mayor to see if they had discovered any new revelations since March 17, 1993. After numerous attempts to telephone certain council members and the Mayor, I was only spoken to by Councilman Davenport. He was willing to hear my problem and work with me toward a compromise. I assumed the lack of response I received from certain other members was an indication of their non support.

Since I spoke at the March 17, 1993, meeting, I received at least a dozen phone calls from strangers supporting me and expressing the same problems I had. It's a shame that the integrity and honesty many of the council members promised in their campaigns was just lip service. I will not dignify their future meetings or waste my valuable time fighting a losing battle. Please withdraw my item from the agenda. I can't wait until the next city election!

Sincerely,


Joe Murphy

RECEIVED
93 APR -7 AM 11:23
JENNIFER M. PERRIN
CITY CLERK
CITY OF LODI

April 7, 1993

City Clerk
City of Lodi
221 W. Pine Street
Lodi, CA 95240

I wish to retract my letter dated April 2, 1993. That letter misrepresents my position. Please remove that item from your agenda since everything has been resolved to my satisfaction.

I apologize for any inconvenience this may have caused.

Sincerely,

Joe Murphy