



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

January 18, 2005

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Refer to Hearing Officer Appeal of Administrative Hearing Regarding a Disputed Gas Bill for Willie Goffney (District 3)

DISCUSSION

On October 29, 2004, an Administrative Hearing was held regarding a dispute of gas charges by utility customer Willie Goffney. The disputed charges total \$414.66 for the billing period from June 4 to July 6, 2004. At the hearing, the determination was made that the excessive gas charges were due to Mr. Goffney's old, corroded or damaged pipeline, which resulted in a gas leak. Long Beach Municipal Code (LBMC) Section 15.40.140 (M) provides that "All pipe beyond the outlet connections of the meter, master meter, or bank of meters, shall be maintained by applicant, customer and the owner of the property, and the gas utility shall not be responsible for any loss of gas or any loss or damage whatsoever caused by or arising out of, or in connection with pipe or equipment installed beyond the outlet of the gas utility's meter, master meter or bank of meters." Since the gas leak was determined to be from Mr. Goffney's gas pipe, the charges were found to be his responsibility. See attached letter from the Administrative Hearing Officer (Attachment 1). Mr. Goffney appealed the decision in a letter received by the Office of the City Clerk on December 1, 2004 (Attachment 2).

The Public Utilities Code Section 10010 requires that any customer whose complaint or request for an investigation has resulted in an adverse determination by the public utility may appeal the determination to the governing body of the municipal corporation. LBMC Section 2.93.050 provides that the City Council may refer an appeal to a hearing officer to conduct the appeal hearing and submit a report to the City Council.

This matter was reviewed by Assistant City Attorney Michael Mais on January 4, 2005 and by Budget Management Officer David Wodynski on December 22, 2004.

TIMING CONSIDERATIONS

There are no timing considerations associated with this action.

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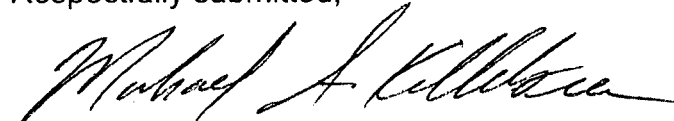
FISCAL IMPACT

The cost for a Hearing Officer is approximately \$750 and is borne by the City. Should the Hearing Officer find the City responsible for the bill, a \$414.66 expense would accrue to the Long Beach Gas Fund.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Refer the matter to a Hearing Officer, in accordance with Long Beach Municipal Code Section 2.93.050 and request the City Clerk to notify Mr. Goffney and the affected City departments of the time and place of the hearing.

Respectfully submitted,

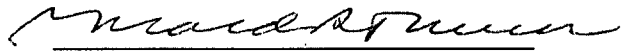


MICHAEL A. KILLEBREW
ACTING DIRECTOR OF FINANCIAL MANAGEMENT

MAK:PW-H:RB:iw

Attachments

APPROVED:



GERALD R. MILLER
CITY MANAGER