

DEPARTMENT OF FOOD AND AGRICULTURE

A.G. KAWAMURA, Secretary

Division of Measurement Standards
6790 Florin Perkins Road, Ste. 100
Sacramento, CA 95828-1812

DMS NOTICE
D – 05 – 5



December 27, 2005

Discard: 12/06

TO WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Utility Submeter and Billing Survey

The Division of Measurement Standards is planning a statewide utility submeter and billing survey. The survey is needed due to the rapid growth of locations charging for utility services separate from rent. Preliminary results of complaint investigations indicate that several properties may have failed to inform local officials of these device installations and their use.

The survey will verify whether locations are reporting and submitting submeter devices, registering devices, installing devices in accordance with legal requirements, and conforming to tariff rules designed to ensure equitable rates. The survey includes a review of locations known to be using submeters and to others not known by local jurisdictions to be using submeters of a particular type.

The survey will consist of 496 properties selected at random by county staff. The number of licensed retail businesses located in the county was used as the basis for determining the number of locations to be inspected.

In order to complete the survey in a timely manner, we ask that the assigned number of locations be inspected between January 16 and March 17, 2006. If you believe you will be unable to complete the number of inspections, or need instruction to proceed, please contact your regional device specialist for assistance.

Attachment A lists the number of establishments selected for inspection in each county.

Attachment B contains an outline of location selection, the inspection procedure, and instructions for completing the report form.

If you have not been contacted by January 16, 2006 or have any questions regarding the survey, please contact Ken Lake, Measurement Compliance Program Supervisor at (916) 229-3047.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Cleary'. The signature is stylized, with a long horizontal stroke for the 'M' and a large, looped 'C'.

Mike Cleary
Director
(916) 229-3000

Attachments

cc: Ed Williams, Director, County Liaison Office

Attachment A

NUMBER OF LOCATIONS TO BE INSPECTED

COUNTY	NUMBER TO BE INSPECTED
ALAMEDA	16
AMADOR	2
BUTTE	4
CALAVERAS	2
COLUSA	0
CONTRA COSTA	10
DEL NORTE	0
EL DORADO/ALPINE	4
FRESNO	10
GLENN	2
HUMBOLDT	2
IMPERIAL	4
INYO/MONO	2
KERN	6
KINGS	2
LAKE	2
LASSEN	0
LOS ANGELES	150
MADERA	2
MARIN	2
MARIPOSA	2
MENDOCINO	2
MERCED	4
MODOC	0
MONTEREY	4
NAPA	2
NEVADA	4
ORANGE	40

COUNTY	NUMBER TO BE INSPECTED
PLACER	4
PLUMAS/SIERRA	2
RIVERSIDE	20
SACRAMENTO	16
SAN BENITO	2
SAN BERNARDINO	22
SAN DIEGO	44
SAN FRANCISCO	12
SAN JOAQUIN	6
SAN LUIS OBISPO	4
SAN MATEO	8
SANTA BARBARA	6
SANTA CLARA	14
SANTA CRUZ	4
SHASTA	2
SISKIYOU	2
SOLANO	8
SONOMA	6
STANISLAUS	6
SUTTER	2
TEHAMA	2
TRINITY	2
TULARE	4
TUOLUMNE	2
VENTURA	8
YOLO	4
YUBA	4
TOTAL	496

Attachment B

INSPECTION PROCEDURE

Location Selection

Each county will randomly select half of their locations from local apartment guides, telephone books, newspaper ads, and listings of marinas, mobilehome parks, apartments, strip malls, or other residential and commercial properties that could be measuring or allocating one or more utility costs separate from the fixed periodic rent. Exclude any properties involved in litigation concerning their submeter or billing practices from the survey.

It is **not** necessary to select more locations from this list to account for properties that are not submetering. The fact that some properties are not submetering is of interest to this survey. It is **not** necessary to crosscheck county records or avoid locations known by the county to have submeters. This first group will be used to determine what conditions exist in randomly monitored properties and they will be included whether or not they are in the list of county submetered properties.

The second half of the locations will be randomly selected from county records of locations with submeters of at least one type. Do not re-select a property already on the first inspection list. Again, exclude any properties involved in litigation concerning their submeter or billing practices. If, during the selection of properties from county records, a property from the first list of locations reappears, disregard it and select another location from the county records.

Retain these two lists for later use. You will be differentiating locations drawn from county records from those selected from other sources on each survey form.

The regional device specialist should review each county's list of properties to be surveyed with local officials to ensure the locations drawn are adequate to reflect conditions in the local region of the state. Additional properties will only be used if officials and the regional device specialist note there are insufficient locations to evaluate a particular segment such as marinas, manufactured home parks, watt-hour submeters, utility billing methods, etc.

Enough locations have been assigned statewide to evaluate compliance with Business and Professions Code Section 12515 and any registration requirements as well as to evaluate utility measurement and billing practices.

Procedure

Introduce yourself to management and inform them you are conducting a survey of submeters and utility billing practices. Determine if privately owned submeters are in use or if there are methods in place to charge tenants for their utility use. If so, complete all applicable questions on the survey form (attachment C). If there is any billing for a utility or any use of a utility submeter of any kind, complete all applicable blocks on the survey form.

Copies of bills with the tenant's identification removed (at least 3 months from **one** space, slip, or residence), should be requested and, if available, attached to the form and submitted to your regional device specialist at the conclusion of the survey. Information on the serving utilities for each submetered or allocated utility will also be needed. Remember that CCR Section 4090 requires that copies of tenant's bills be made available if measuring devices are used. All other information is considered voluntary.

Where applicable, officials should confirm the property is on the respective energy utility company's master meter/submeter tariff schedule. If submeters are being utilized, officials have authority to inspect them to gather the requested information. If bills are obtained during the visit, for one of the accounts, verify that readings on the submeter are consistent with the most recent billing statements. You may have to record the meter reading and date for later use if bills are not immediately available on-site.

Completing the Form

You will need to complete a form for every location you visit whether submetered or not. The only exception will occur if the selected property has no tenants receiving energy or water utility service. In that case an alternative should be selected.

Most of the entries are self-evident. Where a particular service is not submetered or allocated (RUBS) a line can be drawn through the section containing the related questions to indicate they do not apply to the particular property. If the property, or an agent hired by the property, is not billing tenants for any utility service, billing related sections can also be lined through to make it absolutely clear they do not apply.

"Correctly installed?" refers to whether the meters are suitable, readings are available to tenants, and meters are installed in accordance with the manufacturers instructions and the approval certificate. When this box is left unchecked, include a note in the notes area or box to explain all noted deficiencies.

"Device Registered?" should be checked "Yes" if the devices at the property have been reported to the county under B&P Code 12515, whether or not the county has a device registration ordinance. Only if devices are found and have been unknown to the county, should "No" be selected.

If you have a question related to form completion, contact your regional device specialist.

At the end of the survey period, please submit your survey documents to your regional device program specialist. The specialist will review the forms and contact you if there are any questions, and will then input the data and forward the forms to Sacramento. The specialist may ask to arrange for a revisit to a site if information needs clarification or if there are unanticipated questions.

Counties should follow-up or consult the regional device specialist and other officials for coordinated follow-up for any locations that are found to be out of compliance.

Selected from submeter records Yes No

PROPERTY

Property Name						
Street Address						
City		Zip		County		
Property Type	<input type="checkbox"/> Apartment	<input type="checkbox"/> Mfg. Home Comm.	<input type="checkbox"/> Marina	<input type="checkbox"/> RV Park	<input type="checkbox"/> Condominium	<input type="checkbox"/> Other
Managed By						
Managed Address						
Managed City		State		Zip		

SUBMETERS

GAS <input type="checkbox"/> Yes <input type="checkbox"/> No	ELECTRICITY <input type="checkbox"/> Yes <input type="checkbox"/> No	WATER <input type="checkbox"/> Yes <input type="checkbox"/> No
Manufacturer	Manufacturer	Manufacturer
Model Number	Model Number	Model Number
Device Registered? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Device Registered? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Device Registered? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Current Seal? <input type="checkbox"/> Yes <input type="checkbox"/> No	Current Seal? <input type="checkbox"/> Yes <input type="checkbox"/> No	Current Seal? <input type="checkbox"/> Yes <input type="checkbox"/> No
Installation Date	Installation Date	Installation Date
Installer Name	Installer Name	Installer Name
Data Transmitted? <input type="checkbox"/> Yes <input type="checkbox"/> No	Data Transmitted? <input type="checkbox"/> Yes <input type="checkbox"/> No	Data Transmitted? <input type="checkbox"/> Yes <input type="checkbox"/> No
Indication Agreement? <input type="checkbox"/> Yes <input type="checkbox"/> No	Indication Agreement? <input type="checkbox"/> Yes <input type="checkbox"/> No	Indication Agreement? <input type="checkbox"/> Yes <input type="checkbox"/> No
Gas Utility Company	Electrical Utility Company	Water Utility Company
Enrolled on Sub Tariff? <input type="checkbox"/> Yes <input type="checkbox"/> No	Enrolled on Sub Tariff? <input type="checkbox"/> Yes <input type="checkbox"/> No	

ALLOCATION

Gas Allocation? <input type="checkbox"/> Yes <input type="checkbox"/> No	Electrical Allocation? <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Allocation? <input type="checkbox"/> Yes <input type="checkbox"/> No
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Bills Available?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Rates Explained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Begin Date?	<input type="checkbox"/> Yes <input type="checkbox"/> No	End Date?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Begin Read?	<input type="checkbox"/> Yes <input type="checkbox"/> No	End Read?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Details on Billing / Notes						
Sewer Allocation? <input type="checkbox"/> Yes <input type="checkbox"/> No	Sewer Service Utility		Tenant Billing Fee	\$		

Date		Inspecting Official	
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(Please print)