

ORIGINAL

Decision No. 85493

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LAWRENCE R. BROWN,

Complainant,

vs.

SOUTHERN CALIFORNIA EDISON COMPANY,

Defendant.

Case No. 9948
(Filed July 21, 1975)

Lawrence R. Brown, for himself,
complainant.
Kingsley B. Hines, Attorney at
Law, for defendant.

O P I N I O N

Complainant, Lawrence R. Brown, seeks an order requiring defendant, Southern California Edison Company (Edison), to adjust his electric bills for the period June 18, 1974 to December 18, 1974 to reflect the average kilowatt-hours used during similar periods in preceding years.

Public hearing was held before Examiner Johnson at Los Angeles on December 16, 1975, and the matter was submitted. Testimony was presented on behalf of complainant by himself and his wife and on behalf of Edison by its city area manager, by a supervisor of field meter testing, and by a service representative.

Complainant's Position

Complainant and his wife, testifying on their own behalf, presented testimony and exhibits which indicated that:

1. Their electric load and usage patterns have remained essentially the same for the past several years.
2. The major portion in any changes in their average daily consumption of electric energy is due to the effect of climatological conditions on their air-conditioning equipment.
3. There is no rational explanation for the very substantial increase in electrical consumption for the period ending October 17, 1974 over similar previous and subsequent periods especially in view of the fact that the summer season for the year 1974 was relatively mild as compared to the other years as supported by appropriate climatological data (Exhibit 1).
4. Complainant and his family were on vacation with the air-conditioning turned off and the refrigerator turned down to its lowest setting for a two-week period during the billing period in question.
5. An estimated bill was rendered for the period ending August 16, 1974, no bill was rendered for the period ended October 17, 1974, and a very high four-months' bill was rendered for the period ended December 18, 1974.

Defendant's Position

Testimony and exhibits presented through Edison's witnesses indicated that:

1. The disputed bill followed an estimated bill which, based on previous years' usage for similar periods, was probably too low.
2. The bill for the period ending August 16, 1974 was estimated because the yard gate was locked and the meter reader was unable to gain access to the meter.
3. It is believed that a bill was not sent complainant for the period ended October 17, 1974 because it was misplaced while Edison's records were being transferred from one location to another.

4. Complainant's average daily consumption of electrical energy increased from 23.9 kilowatt-hours a day in 1972 to 26.4 kilowatt-hours a day in 1973 to 33.5 kilowatt-hours a day in 1974, which appeared to be normal as shown on an analysis of the customer's account from August 6, 1971 to October 17, 1975.

5. Complainant's meter was tested in 1970 and on February 24, 1975 and found to be operating within the prescribed limits. On January 22, 1975 the meter was found to be not registering due to broken glass on the disc. The meter was repaired, tested, and left operating within the prescribed limits.

6. Complainant's electric load consists primarily of air-conditioning, a dishwasher, a frost-free refrigerator, a color television set, and the usual lights and small household appliances (Exhibit 3).

Discussion

Complainant premised his conclusion that the disputed bill was excessive on his belief that the major cause of variations in the established pattern of his electrical consumption was the effect of ambient temperatures on his air-conditioning usage during the hot months. His connected electrical load (Exhibit 3) would tend to substantiate this position.

Complainant graphed the average maximum temperature from Los Angeles International Airport for the period January 1972 through September 1975 (Exhibit 1). This graph shows that the average maximum temperatures for the summer months of 1974 were generally lower than for similar periods of the other years under consideration.

With the bulk of complainant's connected electric load consisting of temperature-sensitive air conditioning load, such milder temperature conditions should have been expected to have been reflected in lesser summer month consumptions. A review of Exhibit 2 reveals, however, the daily consumption as recorded on complainant's meter for the period June 18, 1974 to October 17, 1974 was 48.95 kilowatt-hours a day as compared to 34.43, 29.68, and 24.04 kilowatt-hours a day for similar periods in 1972, 1973, and 1975, respectively. The record is absolutely devoid of any reasonable explanation accounting for this apparent inconsistency.

In addition, a review of complainant's billing record (Exhibit 2) shows an average daily consumption of 27.5 kilowatt-hours a day for the period October 17, 1974 to December 18, 1974, 31.2 kilowatt-hours a day for the period December 18, 1974 to December 30, 1974, 38.9 kilowatt-hours a day for the period December 30, 1974 to January 8, 1975, 7.8 kilowatt-hours a day for the period January 8, 1975 to January 22, 1975, and 33.1 kilowatt-hours a day for the period January 22, 1975 to February 4, 1975. The highest recorded usage of 38.9 kilowatt-hours a day was well below the alleged consumption for the disputed billings and was sustained for only eight days, whereas the disputed amount was supposedly sustained for a period of 121 days. The highest previously recorded consumption for a full two months' billing period was 35.0 kilowatt-hours a day for the period August 15, 1972 to October 17, 1972 and this was flanked by 32.7 kilowatt-hours a day for the period June 16, 1972 to August 15, 1972 and 24.0 kilowatt-hours a day for the period October 17, 1972 to December 18, 1972 which would reduce the four months' average daily consumption to 33.9 and 29.5 kilowatt-hours, respectively.

In addition, it is noted that the climatological data indicate that the highest average temperatures and the greatest number of degree days above an 80 degree base of any of the years under consideration occurred during the August 15, 1972 to October 17, 1972 billing period which coincides with the period during which defendant's highest previously recorded kilowatt-hour a day consumption was experienced.

Under the above discussed circumstances, it appears reasonable to assume that some unexplained occurrence caused the complainant's meter to malfunction and register an erroneously high consumption of energy. Therefore, some adjustment to the defendant's bill is justifiable for the billing periods ending August 16, 1974 and October 17, 1974.

Exhibit 2 shows the average daily consumption for the July-August billing period to be 32.7, 31.3, and 23.4 kilowatt-hours for 1972, 1973, and 1975 respectively and for the September-October billing period to be 35.0, 28.1, and 24.6 kilowatt-hours for 1972, 1973, and 1975, respectively. Exhibit 1 indicates an average maximum temperature for July and August, 1974 between the July and August, 1972 and 1973 temperatures and the September and October temperatures for 1974 slightly below the 1972 and 1973 temperatures. Under these circumstances a consumption of 32 kilowatt-hours a day or 1,888 kilowatt-hours for the period June 18, 1974 to August 16, 1974 and 33 kilowatt-hours a day or 2,046 kilowatt-hours for the period August 16, 1974 to October 17, 1974 appears reasonable and will be adopted.

Findings

1. Complainant has had essentially the same electric load for the period August 16, 1971 through December 18, 1974.
2. The major portion in the variations in the average daily consumption of electrical energy is due to variations in air-conditioning usage caused by variations in ambient temperatures.

3. The average maximum temperatures for the period June 18, 1974 to October 17, 1974 were generally lower than for similar periods in the other years reviewed.

4. The average daily consumption of electrical energy required to support defendant's billing for the period June 18, 1974 to October 17, 1974 is approximately 49 kilowatt-hours a day as contrasted to 34.4, 29.7, and 24.0 kilowatt-hours a day for similar periods in 1972, 1973, and 1975, respectively.

5. The record contains no logical explanation for such an apparent discrepancy and, therefore, an adjustment should be made to complainant's billings.

6. A reasonable consumption for rebilling complainant's account would be 32 kilowatt-hours a day, or 1,888 kilowatt-hours for the period June 18, 1974 to August 16, 1974, and 33 kilowatt-hours a day, or 2,046 kilowatt-hours for the period August 16, 1974 to October 17, 1974 the refund is approximately \$57.

The Commission concludes that the relief requested should be granted to the extent set forth in the order which follows.

O R D E R

IT IS ORDERED that within thirty days of the effective date of this order complainant's account be rebilled for 1,888 kilowatt-hours for the billing period June 18, 1974 to August 16, 1974 and 2,046 kilowatt-hours for the billing period August 17, 1974 to October 17, 1974, and a copy of the corrected billing be forwarded to the Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 2nd day of MARCH, 1976.

[Signature]
President
William Synovis Jr.
Vernon L. Sturgeon
[Signature]
[Signature]
Commissioners