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Decision No. 85885

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Lester Brewer,

Complainant,

vs.

Southern California Edison Company,

Defendant.

Case No. 9996  
(Filed October 24, 1975)

Lester Brewer, for himself, complainant.  
Kingsley Hines, Attorney at Law, for  
Southern California Edison Company,  
defendant.

O P I N I O N

By this complaint, Lester Brewer alleges that there were inordinately high increases in the electric utility bills he received from the Southern California Edison Company in December 1974 and February 1975 for his residence at 400 East Marigold Street, Altadena, and that this was probably due to incorrect readings of his electric meter. He requests an adjustment of these bills. In its answer, defendant denies that complainant's meter was improperly read and asserts that the complaint does not state facts sufficient to constitute a cause of action. Defendant requests that the complaint be dismissed.

Public hearing was held in Los Angeles before Examiner Arthur M. Mooney on March 17, 1976, on which date the matter was submitted. A motion by defendant at the hearing to dismiss the complaint was denied.

Complainant testified as follows: He is the assistant manager of a branch of the United California Bank in Pasadena and is also a part-time police officer for Pasadena. He has resided with his wife and young daughter at his home in Altadena since September 1972. The home has two bedrooms, a living room, den, service porch, kitchen, and bathroom. The furnace, hot water heater, and stove are operated with gas. The electric appliances, in addition to the usual household appliances and general lighting, include two portable air conditioners, a color TV, a clothes washer and dryer, a freezer, two refrigerators, and a portable heater. The portable electric heater, which is rated at 1,650 watts, is used only for a short time in the morning and evening to heat the bathroom. The air conditioners, which have a combined wattage of 4,580, are used continually during the summer. He has not used any illuminated or electrically operated decorations in his home during the Christmas season for the past several years. The electric bill he received in December 1974 was \$61.14, and the one he received in February 1975 was \$60.61. These bills are substantially higher than any others he has ever received. He contacted defendant in March 1975 regarding the two bills in issue and was told that the matter would be reviewed. He heard nothing regarding this for several months and again contacted defendant and was informed that the matter would be taken care of. Again, nothing was done. He then complained to the Commission office in Los Angeles. Shortly thereafter, an employee of defendant visited his home and made a list of connected appliances and told him that the matter would be turned over to the Commission's Los Angeles office. He received a letter dated September 30, 1975 from the Commission informing him that his electric meter had been tested and found to be within the limits of accuracy prescribed by the Commission and that since the meter was registering accurately, the Commission staff

could not recommend any adjustment of the account. He then contacted the San Francisco office of the Commission and was advised to file the instant formal complaint.

The area manager of defendant, whose responsibilities include the city of Altadena, testified as follows: When he returned to work from an extended absence due to illness on September 2, 1975, he was informed by members of his staff that complainant's inquiry regarding his billing had been investigated. He then contacted complainant and informed him that a test of his electric meter had been completed on August 6, 1975; that according to the test, the meter was functioning properly; and that the reason he was not notified earlier was because the file had been lost. The next day he was notified by the Commission that complainant had filed an informal complaint with it. He reviewed the matter again and notified the Commission that in his opinion the billing was correct, and there was no basis for any adjustment. All of the billing in issue was based on actual meter readings and not estimates and on applicable tariff rates. If complainant's meter had been misread, this would have been picked up and automatically adjusted on the next reading. Any surge of power in the utility's lines would not have affected complainant's meter. According to experts, a meter would not run slow part of the time and fast part of the time if a test showed it to be accurate.

In closing, defendant's attorney argued that complainant has not met the burden of proof required by Section 1702 of the Public Utilities Code. Specifically, he asserted, complainant has failed to show any act or failure to act by defendant that would have caused the high billing. He urges that the Commission find no liability on the part of defendant.

Complainant, in his closing statement, asserted that with the exception of the air conditioners, the amount of electricity used in his home each month during the year would be substantially the same. He requested that the relief sought be granted.

Exhibit 2 is a listing of the defendant's billings to complainant from February 1973 through February 1976. According to the exhibit, the December and February billings during the three-year period were as follows:

<u>December</u>		<u>February</u>	
<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1973	\$34.51	1974	\$32.96
1974	61.14*	1975	60.61*
1975	39.81	1976	40.62

\* Billings in issue.

It is evident from the above table, even allowing for increases that have occurred in electric rates, that the December and February billings in issue were substantially higher than those for the same months during the prior and subsequent years. According to complainant, except for the portable air conditioners which are used during the summer season only, his electric usage throughout the year does not vary. There is no apparent, plausible reason for the high billing in issue. We will, therefore, direct defendant to adjust the charges in question. An adjustment of \$50 appears reasonable.

Findings

1. Defendant's billings to complainant for electric service for his home in Altadena in December 1974 and February 1975 were \$54.28 higher than the same two billings the prior year and \$41.32 higher than the same two billings the subsequent year.

2. There are no substantial differences in the quantity of electric power furnished to complainant's home during the year.

3. According to tests of the electric meter at complainant's home, which were completed on August 6, 1975, it was registering accurately at that time within the limits of accuracy prescribed by the Commission.

4. All billings by defendant to complainant for electric service were based on actual readings of complainant's electric meter and on applicable tariff charges.

5. There are no plausible explanations for the substantial differences in charges billed to complainant in December 1974 and February 1975 and those for the same two billings during the prior and subsequent years.

6. Based on the information before us, defendant's billings to complainant for the months of December 1974 and February 1975 were unreasonably high and they should be adjusted.

7. A refund of \$50 in connection with the two billings in issue is reasonable.

Conclusion


Defendant should be directed to refund \$50 to complainant in connection with the December 1974 and February 1975 billings.

O R D E R

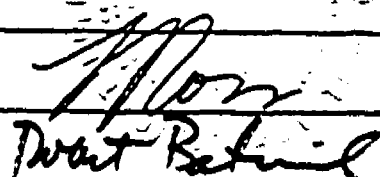
IT IS ORDERED that the Southern California Edison Company shall refund \$50 to Lester Brewer in connection with its billings for electric service for the months of December 1974 and February 1975.

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

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

  
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President

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Dwight B. Rife

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Commissioners

I dissent  
William Symons, Jr.

I dissent  
Vernon L. Stungen