

ORIGINAL

Decision 84 04 049

APR 18 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Charles Nathan Bailey and  
Scarlett Amber Bailey,

Complainants,

vs.

Southern California Edison  
Company,

Defendant.

(ECP)

Case 83-10-03

(Filed October 14, 1983)

Charles N. Bailey and Scarlett A.  
Bailey, for themselves,  
complainants.  
C. Daniel Sanborn, for defendant.

O P I N I O N

In this complaint, as filed, it appeared that the relief sought was the cancellation of a \$661.94 disputed bill. However, at the hearing complainants stated what they had intended to convey in the complaint was that the disputed bills covered the period from November 16, 1982 to June 15, 1983 for which the billings totaled \$1,721.87. They further stated that the relief they are seeking is for them to be rebilled by Southern California Edison Company (Edison) on a basis consistent with recent prior years' usages for the same months but using electric rates applicable during the November 16, 1982-June 15, 1983 period. Complainants were informed both through the notice of hearing and at the hearing

that this matter was being heard under Rule 13.2, Expedited Complaint Procedure, of the Commission's Rules of Practice and Procedure. Rule 13.2 at that time limited the amount claimed to \$750 or less. ✓

Edison denies that its billings are incorrect and requests that the complaint be dismissed.

A public hearing on this matter was held before Administrative Law Judge Main in Victorville on December 9, 1983. The evidence shows that:

1. Electrical service at 9490 Joshua Road, Apple Valley, has been in the name of Charles N. Bailey since June 14, 1978.
2. On February 17, 1983 complainants received two bills totaling \$973.46 from Edison. One was for \$661.94 <sup>1/</sup> covering the two-month period November 16, 1982-January 14, 1983 (59 days) during which a consumption of 8,478 kilowatt-hours (kWh) registered on the meter. The other was for \$297.78 covering the period January 14, 1983-February 15, 1983 (32 days) during which 3,695 kWh registered on the meter.
3. The two-month billing resulted after Edison's usage monitoring computer rejected the December 1982 bill as being substantially out of pattern. Instead of arranging for a verification reading at this point, Edison elected to rely on the next regular monthly meter reading and thus did not render a December bill. No satisfactory explanation was given for Edison's not promptly rendering the bill once it covered the second month.
4. For the two-month billing the daily average use of 143.2 kWh was more than double any previous usage.

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1/ Including a \$13.74 credit.

5. Comparison of complainants' monthly consumption for 1980-1983 follows:

	<u>1980<sup>a/</sup></u>			<u>1981</u>			<u>1982</u>			<u>1983</u>		
	kWh	Days	kWh <sup>b/</sup> Av	kWh	Days	kWh <sup>b/</sup> Av	kWh	Days	kWh <sup>b/</sup> Av	kWh	Days	kWh <sup>b/</sup> Av
Jan.	1,798	34	52.9	1,124	34	33.1	1,295	33	39.2	8,478	59	143.7
Feb.	1,798	34	52.9	1,069	31	34.5	1,794	30	59.8	3,695	32	115.5
Mar.	1,843	27	68.3	1,011	28	36.1	1,237	29	42.7	2,599	30	86.6
Apr.	1,843	27	68.3	850	28	30.4	1,266	29	43.7	3,071	29	105.9
May	985	29.5	33.4	759	29	26.2	874	31	28.2	2,634	31	85.0
June	985	29.5	33.4	844	33	25.6	978	30	32.6	1,414	30	47.1
July	596	30	19.9	772	29	26.6	758	30	25.3	1,169	30	39.0
Aug.	596	30	19.9	713	29	24.6	849	31	27.4	1,315	31	42.4
Sept.	818	33	24.8	870	32	27.2	1,029	30	34.3	1,313	36	36.5
Oct.	818	33	24.8	675	31	21.8	1,122	30	37.4	1,153	24	48.0
Nov.	1,050	31	33.9	1,049	31	33.8	818	32	25.6	1,541	32	48.2
Dec.	1,102	29	38.0	1,097	30	36.6	No Bill			-	-	-

<sup>a/</sup> Edison had bimonthly billing for domestic accounts until November 1980. For purposes of illustration the bimonthly consumption and numbers of days are divided by 2.

<sup>b/</sup> Av = kWh divided by number of days.

6. Complainants' connected electrical load includes space heating (19 kW), a 40-gallon hot water heater (4.5 kW), a 17 cubic-foot frost-free refrigerator, a range and oven, and a kiln (3 kW).
7. Upon receiving the two bills totaling \$973.46, complainants made a high bill complaint to Edison.

8. The electric meter serving complainants was tested on March 4, 1983 and July 8, 1983. Both tests showed the meter to be operating within the limits of accuracy prescribed by the Commission.
9. During the November 16, 1982-June 15, 1983 period complainants' electric water heater had a small leak. The temperature setting at the heater was 140° F. The water temperature at the kitchen hot water tap was 118° F.
10. On or about March 30, 1983 Edison received a complaint of fluctuating voltage from Mr. Bailey. On May 5, 1983 Edison set a recording voltmeter at complainants' service address and found the voltage to be generally 112, 111, and 223. The chart indicated no sustained voltage of less than 110 volts except for a period between 5:45 a.m. and 7:00 a.m. on May 6, 1983, when the average voltage on one leg of the service was approximately 108 volts. Such levels, although not optimal, are above those which will either cause damage to equipment or cause such equipment to operate erratically.
11. The voltmeter chart also showed some voltage fluctuations which, according to Edison, typically are caused by the start-up torque of electric motors.
12. A new 10-kilovolt ampere transformer was set June 2, 1983 to increase the voltage and the size of the service drop to complainants' premises was increased from No. 4 to No. 2 aluminum. The new transformer is also located closer to complainants' meter than the transformer which previously served them and a neighbor. The latter transformer still provides service to the neighbor without complaint.

Discussion

It is complainants' position that from November 16, 1982 until June 2, 1983, when the new transformer was installed, Edison's facilities were faulty and somehow caused the electric meter to register energy which they did not use; that in any event they could not use the amount of electrical energy registered on the meter during that period; that Edison was negligent in not billing them on a timely basis; and that such negligence deprived them of a reasonable opportunity to take appropriate measures.

The accuracy of the meter test creates a rebuttable presumption that the electrical energy was used. We cannot make any determination, based upon the evidence in this hearing, of how it was consumed. We do not doubt complainants' sincerity, but we cannot share their view that it is impossible to consume the amount of electricity for which they were billed in view of the connected electrical load on the premises. Indeed, 143.7 kWh, the highest daily average use, equates to the connected load being on not more than 25% of the time. We do not believe that testimony overcomes or rebuts the presumption that the electricity was used in view of the meter tests.

However, it is clear that complainants did not receive the timely bills from Edison for the December 1982 and January 1983 billing periods to which they were entitled. Absent the timely bills, it is not unreasonable to assume that complainants, rather than contemplating anything unusual in their usage, would have been expecting bills comparable to those experienced about the same times in the prior year. We are persuaded that in fairness complainants should be placed effectively in a position

consistent with that outlook. Accordingly, the \$661.94 bill, which includes a \$13.74 credit, should be adjusted downward to \$123.93 which is the sum of complainants' bills of \$57.58 and \$80.09 for December 1981 and January 1982 less the \$13.74 credit.

According to an analysis of the customer's account (Exhibit 7) complainants owed Edison \$1,135.75 as of August 15, 1983. The above \$538.01 downward adjustment reduces the balance due Edison as of that date to \$597.74. Complainants have \$661.88 on deposit with the Commission, but have not yet paid the Edison bills for September, October, and November 1983.

O R D E R

IT IS ORDERED that:

1. Southern California Edison Company shall adjust its billing of \$661.94 to complainants for the two-month period November 16, 1982-January 14, 1983 downward by \$538.01.

2. Complainants' deposit of \$661.88 shall be disbursed to Southern California Edison Company.

3. In all other respects the relief requested is denied.

This order becomes effective 30 days from today.

Dated APR 18 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO

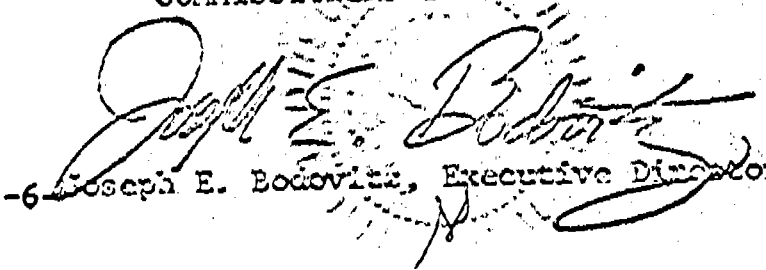
PRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
-6- Joseph E. Bodovitz, Executive Director

that this matter was being heard under Rule 13.2, Expedited Complaint Procedure, of the Commission's Rules of Practice and Procedure. Rule 13.2 limits the amount claimed to \$750 or less.

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