

Decision 88 03 065

MAR 23 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MRS. RETOIN D. SCOTT,)
)
 Complainant,)
)
 vs.)
)
 SAN DIEGO GAS & ELECTRIC)
 COMPANY, U902E,)
)
 Defendant.)

ORIGINAL

Case 87-04-050
(Filed April 24, 1987)

Michael Shames, Attorney at Law, for
 Retoin D. Scott, complainant.
Lisa C. Anderson, Attorney at Law, for
 San Diego & Gas Electric Company,
 defendant.

O P I N I O N

Complainant Retoin D. Scott (Scott) disputes a bill for electric service in the amount of \$1,818.36 rendered by San Diego Gas & Electric Company (SDG&E) for alleged energy diversion for a period of three years. She also disputes a further bill of \$434.03 for such diversion beyond three years.

A duly noticed public hearing was held before Administrative Law Judge Orville I. Wright in San Diego on September 15, 1987, and the matter was submitted for decision on November 12, 1987.

Decision Summary

This decision finds that there is insufficient evidence to require Mrs. Retoin D. Scott, complainant, to pay additional (add) bills in the amounts of \$1,818.36 and \$434.03 rendered by SDG&E for alleged unmetered electric service for the period from October 14, 1982 to August 12, 1986.

Complainant's Evidence

Scott testified that she has lived in her 4-1/2 bedroom home since 1975. There were seven persons in the family when she originally purchased the house, but by 1980 all her children had grown and left home; she has been alone in the house since that time.

Sometime after 1980, complainant states that she obtained a job with the State of California which required her to be away from San Diego quite often. In Scott's words, "very seldom was I home, months at a time. So it wasn't anything to believe that my electric bill would drop. I anticipated it would drop."

On or about August 12, 1986, Scott came home from work to find the lights inoperative and no power in the house. After unsuccessful efforts to restore power, complainant telephoned SDG&E to report the outage.

Perhaps an hour later, a SDG&E service person arrived and checked out Scott's service. Scott told the serviceman that she had had a kitchen fire in her electric stove several days earlier.

Scott's recollection is that the serviceman restored the power, telling her there had been a problem with her meter and suggesting she call an electrician about the stove fire.

Complainant called an electrician who made repairs within her house (not at her meter) and all was back to normal.

Several days later, another SDG&E person arrived at Scott's home, notified her that the meter had been tampered with, and replaced the meter with a new one. Shortly thereafter, complainant received two additional bills totaling \$2,252.39 for the period commencing October 14, 1982 and ending August 12, 1986.

Scott denies that she or anyone in her household has ever tampered with the electric meter at her home.

SDG&E's Evidence

SDG&E testified that it received an outage notification in the evening of August 11, 1986 and dispatched an electric troubleman to Scott's premises.

The troubleman found that there were no lights in part of the house. After checking complainant's interior electrical panel, the troubleman examined the outside meter. Finding the meter unsealed, the serviceman pulled it to disclose that one of the two terminal legs up into the meter had been bypassed by a No. 12 size wire so that full electric consumption would only register on one of the two leads into Scott's home. The bypass or jumper wire was found to have burned through, blocking one leg of power to complainant's premises.

The troubleman did not repair the blocked terminal, according to the testimony, but left conditions unchanged, reporting "customer stealing power - diversion behind meter caused no lights in part." Nor was Scott informed of the serviceman's diversion discovery at the time, but was advised by the troubleman to hire an electrician. This advice was said to be merely a tactic to allow the troubleman to gracefully depart the premises without disclosing his tampered meter finding. SDG&E states that most electricians will not repair a tampered meter, but will report the condition to SDG&E.

About one week after the troubleman's visit, SDG&E's meter revenue protection representative went to Scott's home to investigate. He found the meter unsealed but otherwise in good order. There were no diversion wires in evidence although there was some indication that wires had burned within the meter's cover. This representative replaced the existing meter with a new one and left, without further objective investigation.

SDG&E then prepared a chart and graph to determine the amount of Scott's additional bill.

October 14, 1982 was selected as the beginning date for the additional bill as usage dropped steeply in October 1982, the exact chosen date being the time the meter was read.

August 12, 1986 was selected as the closing date because it was a regular meter reading date and consumption had increased steeply after that date. A 24-day span from the time the meter was replaced until the next meter read on September 12, 1986 was used to measure average consumption.

Discussion

The Commission's energy diversion guidelines, approved on November 7, 1986, provides that one of the four types of information required to be included in the utility's showing in a formal complaint proceeding on energy diversion is "a list of connected load (appliances, etc., connected to the utility's service)."

No list of connected load was presented in this case for any point in time. This is a critical deficiency where the testimony on both sides is uncorroborated.

SDG&E's troubleman states that there are two leads into Scott's home, one of which was energized and the other not. Even though he arrived a week after the outage, SDG&E's investigator could have measured the connected load on each circuit. All agree at least that the load on one circuit was properly measured and paid for. What was that load? If the energized circuit carried 90% of total household useage, for example, there would be little room for an additional bill even if, as supposed by SDG&E, there was a diversion on the second circuit for three years. The reverse could be true, as well.

SDG&E notes the sharp increase in use after the outage date when a new meter was installed. It compares recent months with months preceeding October 1982 when there was a sharp drop in Scott's bills. It assumes that the low measured usage was the result of the jump wire found in August 1986. The troubleman,

however, testified that he could not estimate the period of time during which the jump wire was in place; it could have been inserted only the day before or it could have been inserted before Scott acquired the home.

On the other hand, Scott testified that the decline in her energy usage resulted from her family leaving home and her taking a new job which took her away from her house extended periods of time. This is a reasonable explanation and there is no reason not to accept it. Indeed, both SDG&E employees who had personal contact with Scott volunteered that they believed her statement that she had no knowledge of any energy diversion on her property.

There is no evidence or testimony with respect to reasons for the increases in Scott's bills following the installation of a new meter in August 1986. Needless to say, a list of connected load would have been of material assistance in reviewing the increase aspect of this case.

We find that there is insufficient evidence to support an additional bill to Scott.

Findings of Fact

1. On or about August 11, 1986, complainant suffered a partial or total outage of electricity to her home.
2. Complainant notified SDG&E of the outage.
3. SDG&E sent a serviceman to Scott's home in response to her call.
4. There is a conflict in the evidence as to whether there was a shunt wire found to be burned through at Scott's meter, whether there was a partial or a total outage of power, and when and who repaired the meter connections so as to restore full power.
5. Scott's electric meter reads show:
 - a. A generally level consumption of about 800 kilowatt hours/month from April 1977 to September 1981.

- b. A gradual decline from 800 to 400 kilowatt hours/month from October 1981 to September 1982.
- c. An erratic consumption pattern from 200 to 450 kilowatt hours/month from October 1982 to October 1986.
- d. A generally level consumption of about 600 kilowatt hours from November 1986 to March 1987.

6. Scott testified that the decline in electric useage and low consumption from October 1981 to October 1986 was caused by her job requiring her to be away from home for extended periods.

7. SDG&E testified to its belief that the low consumption recorded between October 1982 and October 1986 at Scott's home was caused, in part, by shunt wires diverting energy at the meter.

8. The record is silent as to the cause of Scott's apparent increased electric useage after October 1986.

9. Any list of connected load is absent from the record.

10. There is insufficient evidence in the record to support a finding that complainant has received or used more electric energy than the quantity for which she has paid.

Conclusions of Law

1. SDG&E should be ordered to cancel electric bills of \$1,818.36 and \$434.03 submitted to Scott.

2. SDG&E should follow the energy diversion guidelines issued by the Commission on November 7, 1986.

O R D E R

IT IS ORDERED that:

1. San Diego Gas & Electric Company shall cancel electric bills of \$1,818.36 and \$434.03 which it submitted to complainant.

2. The prayer in this case is granted.

This order becomes effective 30 days from today.

Dated MAR 23 1989, at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OKANIAN
Commissioners

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

Victor Waisue
Victor Waisue, Executive Director