

Decision 89 04 020

APR 12 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LEON SANDERS,

Complainant,

vs.

SOUTHERN CALIFORNIA EDISON COMPANY,

Defendant.

Case 88-01-004
(Filed January 7, 1988)

Mailed

APR 15 1989

Leon Sanders, for himself, complainant.
Frank A. McNulty, Attorney at Law, for Southern
California Edison Company, defendant.

OPINION

Summary of Complaint

Complainant Leon Sanders alleges that defendant Southern California Edison Company (SCE) has been overcharging him for electric service by at least 33% since 1978. He seeks a \$1,800 bill adjustment purportedly at a rate of \$20 per month since 1978. (\$20 per month for nine full years would total \$2,160.)

The evidence does not support Sanders' claim; therefore his request for a bill adjustment is denied. However, SCE will be ordered to supply Sanders with an updated analysis of his account.

Hearing

After notice, a hearing was held in Los Angeles before an administrative law judge, and the matter was submitted. Complainant testified on his own behalf. Testimony for SCE was presented by Harold Taylor, a customer service supervisor, and by Paul Millan, a single-phase testman.

Complainant's testimony and position is as follows:

1. He has lived in the same house since it was built in 1965. There were five other family members who lived in the house with him until his November 1971 divorce. During that period his total consumption was about 42,000 kilowatt-hours (kWh).
2. He subsequently lived alone in the house and then lived with two other persons for three years through 1978. During that seven-year period, his total consumption was about 58,000 kWh. He called SCE in 1978 because he felt that the long-term increase in usage was excessive. An SCE serviceman checked and adjusted his electric meter but the serviceman did not change the meter as he had requested. He had constructed a swimming pool in 1968 and operated the pool pump for about eight hours per day.
3. He believed the measured rate of his use increased after the meter adjustment. He was billed for 76,000 kWh in the following nine years.
4. He had not changed his major appliances since moving in. He established a fairly stable pattern of electrical use. He is living alone in this house, works on two jobs for over 12 hours per day, and does not use all of the electricity he is being billed for. Someone evaluated his usage. That person agreed that he was being overbilled. He has cut back his pool pump usage from eight to three hours per day; installed a 1/2 horsepower (hp) pump to replace a nonfunctioning 3/4 hp unit. He has not used his freezer for 14 years, and does not use his dishwasher. He has hooked up lighting, radio, and television units to a timer to give the impression that his home was occupied while he was at work.

5. He does not believe that he could use more electricity living alone, than when his family of six lived at home. He believes the Commission should order SCE to pay a refund for 33% of his use; a percentage he characterizes as conservative. He estimates the adjustment at \$20 per month or \$1,800. Certain electric (and gas) bills and his correspondence on the dispute containing estimates of his usage support his claim that he was overbilled; i.e. his average usage declined after his meter was changed.
6. He questioned SCE's ability to test his meter in the field particularly by a serviceman who checked the meter by looking at his watch.
7. He admitted that he would not permit SCE to meter all of his appliances to check their respective electrical use.
8. A SCE conservation brochure prepared in the early 1970s shows appliance and equipment usage to promote conservation of electricity during an energy crisis.
9. Complainant argues that SCE is trying to fabricate facts and defraud him of his money. He request the Commission to direct SCE to furnish him with all information regarding his account from 1965 to the present time.

Taylor testified as follows:

1. He has 19 years of experience supervising SCE field service representatives, conducting service investigations, and billing inquiries resulting from informal and formal customer complaints.
2. SCE maintains meter records indefinitely, but its customer service records are only maintained for three years. In 1978, a meter test was performed at complainant's residence which shows that the meter was registering accurately.

3. On January 30, 1987, he received a high bill complaint from complainant; assigned an SCE Field Representative to investigate the complaint. The representative met with complainant on February 11, 1987 to check the meter and to verify the meter reading. The serviceman computed an average consumption of 19.18 kWh per day. Complainant's average usage per billing period during the past three years ranged from 23 kWh per day to 15.7 kWh per day. The representative found no evidence of meter creep or of a ground condition. He temporarily placed a meter on complainant's refrigerator and found that it was drawing 300 watts, which is lower than average for that size of refrigerator. Complainant informed the representative he was dissatisfied with the investigation and he was going to contact the Commission.
4. In a further attempt to resolve the complaint, he arranged to meet with complainant and with Millan to test the meter on February 18, 1987. During the course of the test he invited complainant to view the test procedure three times, but complainant declined to observe the test. He informed complainant that the meter was registering properly as indicated by SCE's test results (Exhibit 3 to Exhibit 6). SCE made an electrical load check at complainants residence (which is reproduced as Attachment A to this decision).
5. He received a second high bill complaint from complainant on July 16, 1987. He arranged for the meter at complainant's residence to be tested again on July 20, 1987. The meter was found to be registering accurately. To further confirm that the level of complainant's electric consumption was accurate, he caused the replacement of the meter with a new meter on August 6, 1987, and he arranged for the setting of a meter on the power pole outside of complainant's residence on the same day so that consumption could be registered on both the house meter and the pole meter. The pole meter confirmed the

readings of the house meter. He again ordered the house meter replaced on September 16, 1987. The pole meter was not changed at that time, but it confirmed the accuracy of the new house meter. Based on the meter tests, he concluded that no adjustment was warranted.

6. The use of a swimming pool pump with a 1/2-hp capacity (recently replacing a 3/4-hp unit) for three hours per day, a 20-cubic foot frost-free refrigerator, and a 1,875-watt capacity digital timer controlling the operation of a television set, a stereo unit, and approximately 200 watts of lighting for approximately 9 hours per day, as reported by complainant, could average 26.6 kWh per day. That average is in line with the high billing period average of 23.4 kWh per day recorded on complainant's service over the past three years. He estimated those uses since complainant would not let him install test meters on his appliances to measure the actual use of each appliance. Furthermore, the starting set point and a shiny manual switch on the pool pump controls indicate that the pump has been operated manually.
7. He could not confirm the basis of the billing calculations prepared by complainant.

Millan testified as follows:

1. He has had educational and work experience related to his employment as a single-phase meter testman. He has been testing single-phase meters since November 1985. He had tested complainant's residential meter in 1987.
2. He denies the allegation in the complainant's July 7, 1987 letter to the Commission that a meter cannot be tested in the field. Meters are tested in the field in accordance with standard electric utility industry practice. SCE uses highly accurate portable test sets for field testing.

3. He followed testing standards. The meter test results show that complainant's residential meter was registering accurately.

Discussion

SCE meter tests were received in evidence. In each instance the meters met the limits of accuracy set by the Commission. The pole meter confirmed the accuracy of the house meter readings. Complainant confirms that he refused to permit the testing of the appliances in his house, which could have determined their typical usages and provided a basis for him to curtail his usage and reduce his electric bills.

Complainant's conclusion that electric meters can not be field tested is in error. He concluded that the testing was limited to a serviceman looking at his watch without watching the test procedure. (Taylor testified that a serviceman would record the time of a service call, on a test record.)

Taylor's testimony confirms that there is sufficient load on complainant's service to use all of the electricity billed over the three-year period before the filing of the complaint. Section 736 of the Public Utilities Code precludes the Commission from awarding refunds on billings periods over three years from the filing of the complaint, even if refunds are warranted.

The record does not show the usage of the other appliances and equipment in complainant's residence, e.g., a 1/2 hp motor connected to his forced air heating system.

Complainant did not substantiate any alleged meter deficiency or error, demonstrate the correctness of his suspicion that he was being cheated by SCE, or show that SCE altered his meter to speed it up to increase the electrical consumption registered on his meter.

Complainant did not demonstrate that he could not have used the quantities of electricity he was billed for or that there is a basis for adjusting bills over three years old. He did not

present any testimony or analysis from the person who purportedly checked out the electrical equipment in his home and stated that complainant could not possibly have used the amount of electricity he was being billed for.

SCE is not required to maintain customer account records for over three years and it disposes of older records. Furthermore, SCE found no evidence of a ground condition or creep which could have affected complainant's billings.

If a meter is tested and proven to be accurate within acceptable limits and if the potential electric demand exceeds the amount of electrical usage in dispute, presumption exists that the customer, in one way or another used the electricity shown on the meter. SCE's evidence establishes that presumption in this case. Therefore, complainant's request for a \$1,800 billing adjustment should be denied.

Exhibit 7 contains an analysis of complainant's account for the period from September 19, 1985 to April 24, 1987. SCE should furnish complainant with an update of that analysis from April 24, 1987 to the day of its last meter read.

Findings of Fact

1. Complainant seeks reparations of \$1,800 on his electric bills for the period following 1978. He alleges that SCE overcharged him during that period.
2. SCE tested the meter at complainant's home in 1974 and in 1978, and twice in 1987. In each instance the meter tested within the limits of accuracy prescribed by the Commission. There was no evidence of a ground condition or of a meter creep in any of those tests.
3. The appliances, equipment, and lighting in complainant's home were capable of consuming the amounts of electricity billed to complainant.

4. Complainant did not cooperate with SCE to determine the electrical usage of his equipment and appliances.

5. Complainant did not present any evidence of meter error or demonstrate that the appliances, equipment, and lighting in his home could not have utilized the amount of electricity billed to him.

Conclusions of Law

1. PU Code § 736 does not allow the Commission to award reparations for billings sent more than three years before the filing of the complaint.

2. Complainant did not sustain his burden of proof by demonstrating that any of the meters serving his house were not performing within the limits of accuracy prescribed by the Commission, that there was a ground condition or meter creep, or that the appliances, equipment, and lighting in his home could not have utilized the amounts of electricity he was billed for. Therefore the complaint should be dismissed.

3. Complainant's request for an analysis of his account should be granted in part.

ORDER

IT IS ORDERED that:

1. Leon Sanders' complaint seeking reparations of \$1,800 from Southern California Edison Company (SCE) is denied.

2. SCE shall furnish the limited analysis of complainant's account described above.

3. In all other respects the complaint is denied.

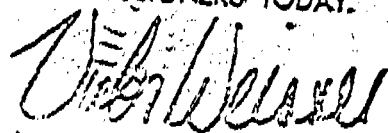
This order becomes effective 30 days from today.

Dated APR 12, 1989, at San Francisco, California.

G. MITCHELL WILK
President
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

Commissioner Frederick R. Duda
being necessarily absent, did
not participate.

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



Victor Weisner, Executive Director

EXHIBIT NO. 1

Subject: Leon Sanders
19219 South Northwood Avenue
Carson, California 90746

The following load check information was obtained from the subject residence on February 18, 1987.

Load Check

1. Pool pump, now 1/2 hp (was 3/4 hp - new motor - changed). Timer set for three hours operation, start set point is loose, also manual switch is shiny, indicating pool pump is also operated manually.
2. Timer - Spartus - 1,875 watts, 15 amps, operates variable start/stop at nine hours, connected is a stereo, T.V., and lighting for security purposes.
3. Delmonico upright freezer, 15 cu. ft.
4. Whirlpool Imperial 90, five-cycle washing machine
5. Whirlpool Imperial 90 gas dryer
6. Sears Coldspot refrigerator/freezer, 20 cu. ft.
7. Waste King dishwasher
8. Mr. Coffee
9. Wards 800 electric typewriter
10. Kenmore sewing machine
11. Sound Design stereo turntable
12. J.C. Penny 19" color television
13. Magnavox 25" color television
14. J.C. Penny 19" color television
15. J.C. Penny VCR
16. Security alarm DSS-550 DTI
17. Central heating, 115 V, 60-cycle, Model T800D 1/2 hp fan
18. G.E. table clock radio
19. Sound Design stereo turntable
20. Zenith System 3 19" color television
21. RCA VCR
22. Emerson/Pryne electric heater - ceiling
23. ATT answering system
24. Upright vacuum
25. 2 - Shop Vac Helton
26. Genie garage door opener - 100 watt bulb