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Decision 91-03-011 March 13, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Johnson Controls, Inc.,  
Complainant,

vs.

Southern California Edison Co.  
(U 338-E),

Defendant.

Case 90-09-026  
(Filed September 11, 1990)

O P I N I O N

In 1989 defendant Southern California Edison Company (Edison) backbilled complainant for \$1,716,956.09 for electric service. Complainant disputed the bill and deposited with the Commission \$93,652.14 to prevent termination of its service. After complainant filed this complaint, the parties negotiated and filed with the Commission a settlement agreement in which complainant shall pay Edison \$620,000 in full settlement of all claims between them. Edison is to receive the money on deposit with the Commission. Our concern with the settlement is to be assured that Edison does not attempt to recover the amount of its bill reduction from its ratepayers through balancing account treatment or otherwise. Edison has agreed that the difference between the amount of Edison's August 9, 1989 demand to complainant and the amount of the settlement has not been reflected in customer rates and Edison shall not seek recovery of it through customer rates in any proceeding before the Commission or elsewhere. The parties request dismissal of the complaint with prejudice.

The Commission finds that the settlement is reasonable and concludes that the complaint should be dismissed with prejudice.

O R D E R

IT IS ORDERED that:

1. Southern California Edison Company (Edison) shall not seek recovery through customer rates in any proceeding before the Commission or elsewhere of the difference between the amount of Edison's August 9, 1989 demand to complainant (\$1,716,956.09) and the amount of the settlement (\$620,000).

2. The Executive Director shall pay to Edison the deposit made by complainant with the Commission of \$93,652.14 plus interest.

3. This complaint is dismissed with prejudice.

This order is effective today.

Dated March 13, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
DANIEL WM. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

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

*[Signature]*  
NEAL J. SPULMAN, EXECUTIVE DIRECTOR