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Decision 91-07-066 July 24, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Dr. B. Paul Justen, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 Southern California Edison )  
 Company, )  
 Defendant. )

**ORIGINAL**

(ECP)  
 Case 91-01-014  
 (Filed January 11, 1991)

Dr. B. Paul Justen, for himself, complainant.  
Patricia A. Aldridge, Regulatory Specialist,  
 for Southern California Edison Company,  
 defendant.

OPINION

Summary of Complaint

Dr. B. Paul Justen (complainant) disputes two bills that he received from Southern California Edison Company (defendant) for the use of 9,601 kilowatt-hours (kWh) of energy from June 19, 1990 to August 20, 1990. The disputed bills are summarized as follows:

<u>Time Period</u>	<u>kWh Used</u>	<u>Amount</u>
June 19, 1990 - July 19, 1990	5,378	\$ 655.08
July 19, 1990 - August 20, 1990	<u>4,223</u>	<u>500.93</u>
Total	9,601	\$1,156.01

Complainant explains that he maintains two residences, one in Rancho Mirage, California and the other in Glenview, Illinois. He acknowledges that the disputed bills pertain to his Rancho Mirage residence. However, he denies that he could have used so much energy because he was at his Illinois residence during that time period.

His California residence consists of a 1,750-square-foot condominium. The only appliances using energy during the disputed time period were his refrigerator and a five-ton air conditioner set at 90 degrees.

Based on complainant's review of his prior energy bills, an analysis of his energy bills with neighbors' energy bills who have a comparable size condominium, the size of his refrigerator, and the setting of his air conditioner thermostat he asserts that it was impossible for him to use 9,601 kWh of energy from June 19, 1990 to August 20, 1990.

Complainant sent defendant a \$655.08 check as payment for the first bill and deposited \$500.93, the amount of the second bill, with the Commission pending resolution of his dispute.

Complainant concludes from his analysis of prior bills and comparison of energy used by a comparable condominium that he should be refunded the \$500.93 deposited with the Commission and that he should receive a \$384.32 credit from defendant to be applied against complainant's future energy bills.

#### Answer to the Complaint

Defendant asserts that complainant's meter accurately read 9,601 kWh of energy use from June 19, 1990 to August 20, 1990. Defendant's assertion is based on its verification of meter readings, a meter test, and a foreign load investigation.

Defendant further asserts that complainant's air conditioner is the cause of such high energy usage. This is because the air conditioner was actually set at 75 degrees, or 15 degrees lower than the 90 degrees claimed by complainant. The 15-degree difference is attributed to complainant setting the thermostat 10 degrees lower than claimed in the complaint and a 5-degree calibration error.

#### Hearing

A hearing on this expedited complaint case was held on March 8, 1991 in Palm Springs before Administrative Law Judge

Galvin. Complainant testified for himself. Patricia A. Aldridge a regulatory specialist, testified for defendant. The case was submitted on March 8, 1991.

Discussion

The issue in this complaint case is whether complainant's connected energy load could use 9,601 kWh of energy during a two-month period while complainant's condominium was not occupied.

The first step is to determine whether the meter is accurate. In this regard, defendant conducted a meter test to determine whether the meter was accurately registering energy usage. Exhibit 7 substantiates that the meter read energy usage well within defendant's Tariff Rule No. 17 acceptable range of 2% high and low to be classified as an accurate meter. Not only was the meter within the acceptable range it was reading energy usage slow by 0.7%.

Defendant also conducted a foreign load test to determine whether a "ground condition" existed, whether the meter has been tampered with, and whether a foreign load condition existed. Again, no evidence was presented to contradict the meter accuracy. Therefore, we can only conclude that the meter accurately read complainant's energy usage.

Having resolved the accuracy of the meter we will turn to the capability of complainant's connected energy load using such high kWh during the two-month billing period which encompasses 62 billing days. Complainant testified that his 5-ton air conditioner unit, a 17.5 cubic-foot refrigerator, and a security light were the only appliances using energy during the disputed time period. Of these three appliances connected to complainant's energy load only the 5-ton air conditioner unit could be the major contributor to high energy use.

Complainant asserts that he set his air conditioner thermostat to 90 degrees. He also acknowledges that his thermostat calibration was off by 5 degrees and that the air conditioner unit

was 3 pounds low of Freon. Irrespective of these adjustments he contends that the air conditioner could not use the amount of energy that defendant billed him for. Complainant calculates that his air conditioner could use no more than 3,168 kWh of energy in a 30-day period (20 amps x 220 volts/1,000 x 24 hours x 30 days). Since the first disputed bill was for 5,378 kWh of energy his refrigerator and security light would need to use 2,210 kWh of energy during the same 30-day period.

Defendant disagrees with complainant. According to defendant's calculation, the air conditioner unit, if running efficiently, can use 4,968 kWh of energy in a 30-day period (30 amps x 230 volts/1,000 x 24 hours x 30 days). Defendant asserts that the air conditioner was not running efficiently because it was low on Freon. Defendant's calculation shows that complainant's refrigerator, security light, and an adjustment for inefficient use of the air conditioner would only need to result in an additional 410 kWh of energy during a 30 day-period to equal the energy usage identified on the first disputed bill.

#### Conclusion

The difference between complainant's and defendant's calculation results from the use of different amperage and voltage conditions. Complainant's 20 amps is based on tests conducted by two independent air conditioning service and repair companies. His 220 volts is based on his belief that his air conditioner is receiving 220-volt service. The burden of proof in a complaint case is with the complainant. In this case complainant did not substantiate that his connected load was incapable of using this amount of energy. The defendant presented the results of its meter test, substantiating the undisputed premise that the meter was correct. Further, the air conditioner could have used the energy in question if it was set at a temperature lower than 90 degrees. Complainant was also aware that the air conditioner unit was 3 pounds low of Freon. It was also substantiated that the

complainant's thermostat calibration was off by 5 degrees. .  
Therefore, we conclude that the amount of energy, as billed, was  
used by complainant.

In this case complainant did not show that defendant  
violated any provision of law or an order or rule of the  
Commission. Thus, the complainant has not carried his burden of  
proof.

Since this complaint is filed under our expedited  
complaint procedure, no findings of fact or conclusions of law will  
be made.

O R D E R

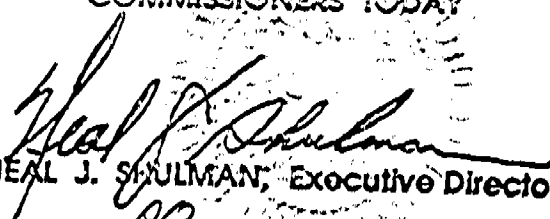
IT IS ORDERED that the complaint in Case 91-01-014 is  
dismissed with prejudice.

This order is effective today.

Dated July 24, 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

  
NEAL J. SHULMAN, Executive Director