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Decision 92-01-036 January 10, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DEAN A. GROSSMAN and
CORAZON S. GROSSMAN,

Complainants,

vs.

SOUTHERN CALIFORNIA EDISON COMPANY,

Defendant.

ORIGINAL

Case 90-05-018
(Filed May 10, 1990)

ORDER DENYING REHEARING OF D.91-10-006

Southern California Edison Company (Edison) has filed an Application for Rehearing of Decision No. 91-10-006 and a Request for Suspension of the Order Pending a Ruling on the Application. The decision orders Edison to refund monies from the period November 23, 1986 to the date the refunds are made to Dean A. Grossman and Corazon S. Grossman for overcharging them for a period of ten years for electric service provided to Corkill Park in Desert Hot Springs.

Edison contents that the Commission's Decision is erroneous because it is based on an incorrect interpretation of Edison's tariff rule definition of "multifamily accommodation".

The Commission has reviewed each and every allegation of the application for rehearing and believes that no grounds for rehearing are set forth. This case is controlled by Edison's Rule #1 definition of "multifamily accommodation" in effect in 1978 and 1979. The definition was:

"Multifamily accommodation: An apartment building, duplex, court group, or any other group of residential units located upon a single premises, provided the residential units therein meet the requirements for a single-family accommodation. Hotels, guest or resort ranch, tourist camps, motels, auto court, and trailer courts, consisting

primarily of guest rooms and/or transient accommodations are not classed as multifamily accommodation." (Rule 1 - Advice Letter Nos. 465-E and 483-E, effective 1978 and 1979, emphasis added. Adopted in D.63562 dated April 17, 1962.)

Clearly, this definition indicates that an RV park, known in 1978 and 1979 as a trailer park, qualified as a "multifamily accommodation" as long as the park did not cater primarily to transient users. The evidence in this case demonstrates that the Grossmans' RV park did not cater primarily to transients tenants and instead most of their tenants had long-term leases for nine months or more. Thus, the Grossmans' RV park came within the operative definition in 1978-79 of a "multifamily accommodation". The record is also clear that Edison gave the Grossmans' charts to calculate the submetered rate for all their tenants which incorporated baseline allowances for multifamily dwellings. Having fully considered the issues raised by petitioner, the petition for rehearing should be denied.

THEREFORE,

IT IS ORDERED that Edison's Application for Rehearing of Decision No. 91-10-006 and Request for Suspension of the Order Pending a Ruling on the Application are denied.

This order is effective today.

Dated January 10, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners

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

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NEAL J. SHULMAN, Executive Director