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ORIGINAL

Decision 92-04-019 April 8, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

UTV of San Francisco, Inc.,

Complainant,

vs.

Pacific Gas & Electric Co.,

Defendant.

Case 90-04-033
(Filed April 20, 1990)

Pacific Energy Resources, by Rick Kohl, for
UTV of San Francisco, Inc., complainant.
Robert B. McLennan, Attorney at Law, for
Pacific Gas and Electric Company,
defendant.

O P I N I O N

Summary of Complaint

On April 20, 1990, UTV of San Francisco, Inc. (KBHK TV or complainant) filed this complaint against Pacific Gas and Electric Company (PG&E or defendant). The complaint alleges that complainant was precluded from determining if it was eligible to receive a more favorable electric rate from defendant because PG&E did not compare, for complainant, the Schedule A-10 rates with the Schedule A-11 rates,¹ and did not share with complainant recorded consumption data compiled from a magnetic tape meter attached to complainant's transmitter.

¹ PG&E's tariffs provide a variety of service options with varying associated rates. Schedule A-10 is designed for mid-sized commercial customers with relatively high levels of electricity consumption. Schedule A-11 is a corresponding time-of-use option, which offers benefits to customers capable of controlling their consumption during hours of systemwide peak demand.

The magnetic tape meter, which records electricity usage at 15-minute intervals, was attached to complainant's transmitter at 250 Palo Alto Avenue in San Francisco by defendant and was in place for "several years."

It is complainant's assertion that the in-place magnetic tape meter could have been used to bill complainant at the Schedule A-11 rates for energy usage. Complainant seeks a \$22,100 refund for the estimated difference between the Schedule A-10 and A-11 rates from November 1988 to October 1989.

Answer to Complaint

Defendant answered the complaint on May 21, 1990. Defendant acknowledged that it provides electric service to KBHK TV's transmitter at 250 Palo Alto Avenue in San Francisco and that it billed complainant at the Schedule A-10 rates until November 1, 1989, when at complainant's request, service was changed to Schedule A-11.

Defendant admitted that a magnetic tape meter has been connected to complainant's transmitter for several years and has been used to collect detailed electric consumption data as part of a load research project. However, defendant asserted that the magnetic tape meter was not attached to complainant's transmitter for billing purposes.

As to the rate comparison issue, defendant asserted that it did not make a rate comparison or provide detailed electric consumption data to complainant because complainant did not request such data. PG&E also asserted that it has no obligation to advise customers of the availability of Schedule A-11, and has no obligation to report to the customer any load research data collected by a magnetic tape meter, pursuant to its Rule 12 and Schedule A-11.

In summary, defendant asserted that it complied with its own internal rules, all applicable state statutes, and Commission rules, orders, and tariffs relating to this matter.

Hearing

An evidentiary hearing was held on October 3, 1990 in San Francisco before Administrative Law Judge (ALJ) Jarvis. Complainant was represented by Rick Kohl (Kohl), a consultant from Pacific Energy Resources and evidence was received from KBHK TV's business manager George Brandt.

Defendant was represented by attorney Robert B. McLennen and evidence was received from rate analyst Phillip Quadrini (Quadrini), marketing account representative Cristine Salguero (Salguero), and load research director Albert Torres (Torres). The complaint proceeding was submitted on October 15, 1990. This matter was transferred from ALJ Jarvis to ALJ Galvin on January 14, 1992.

Issues

There are two salient issues in this complaint proceeding. First, is the issue of whether PG&E had an obligation to advise complainant that complainant's energy cost could be reduced if Schedule A-11 was used instead of Schedule A-10. Second, is the issue of whether the magnetic tape meter attached to complainant's transmitter could have been used to bill complainant under Schedule A-11.

Notice of Schedule A-11

Quadrini testified that defendant implemented a marketing department goal in 1988 to sign up as many commercial customers for Schedule A-11 as possible. This goal was restricted only by the constraints of the availability of time-of-use meters, meter personnel, and the division of labor. Also, priority was given to agricultural customers, pursuant to Assembly Bill 2082 and a Commission requirement.

On March 28, 1988, to meet the marketing department's goal, Quadrini compiled a list of Schedule A-10 commercial customers which he believed would receive cost savings by switching to Schedule A-11. This list, consisting of approximately 3,300

commercial customer accounts, including complainant, was distributed with mailing labels in early 1988 to PG&E's regional coordinators for distribution to division coordinators responsible for marketing the time-of-use tariff within their respective divisions.

As a marketing account representative in the San Francisco Division, Salguero received a copy of Quadrini's list, which included complainant's name. She developed a flyer that explained the time-of-use program in simplified terms and mailed the flyer with an informational letter and a response post card to all but two of the customers on the list. Salguero did not identify the two customers that were not sent the information. However, she did testify that information was sent to complainant.

The response post card included in the informational mailing listed three options for the customer to choose. The options allowed the customer to indicate it was interested in receiving more information about the program, interested in the program, or not interested in the program.

Although defendant did not send specific cost comparison data to complainant, defendant did compare complainant's Schedule A-10 rates to its Schedule A-11 rates and did mail information to complainant regarding the Schedule A-11 rates, explaining that complainant could save money if it switched from Schedule A-10 to Schedule A-11. Complainant, for whatever reason, did not follow up on the information.

Defendant demonstrated that it made a reasonable effort to inform complainant and other commercial customers of the Schedule A-11 rates and benefits. We find that complainant failed to substantiate that its delay in converting to Schedule A-11 resulted from any fault of defendant. Therefore, complainant's assertion that defendant failed to inform complainant of the Schedule A-11 rates is without merit and should be denied.

Magnetic Tape Meter's use as
a Time-of-Use Meter

Complainant acknowledged that PG&E's currently authorized tariffs give defendant the sole option of offering Schedule A-11 to its customers. However, complainant pointed out that this was not an option in defendant's tariff sheets until March 22, 1989. Tariff sheets effective prior to March 1989 required defendant to provide Schedule A-11 service to its customers upon the availability of metering equipment, or a time-of-use meter. Because a magnetic tape meter was already connected to complainant's service and already recording energy data, complainant asserted that defendant cannot use the lack of availability of a time-of-use meter as a defense in this case. The complaint alleges that the magnetic tape meter could have been used to record and to bill complainant on Schedule A-11.

Defendant's witness Torres testified as to why the magnetic tape meter was connected to complainant's transmitter and explained the function of the meter. He explained that complainant is one of approximately 300 load research points established by PG&E from a statistical sample of PG&E's commercial customers to collect data for its load research program through a magnetic tape meter. In complainant's instance, PG&E has been collecting data on complainant's energy usage since at least 1985.

Torres further explained that the magnetic tape meter records information on a more detailed basis than is necessary for time-of-use billing. Specifically, the meter sends a pulse, which represents segments of electricity, to a load data recorder. Meter readers record some of the information off of the meter and retrieve a cartridge from the meter. The data, upon retrieval, is used by PG&E and the Commission to allocate revenue amongst the revenue classes, to design rates, and to forecast system peaks; and is used by the California Energy Commission to forecast the California peak load factor.

Further, to avoid the risk of customers modifying energy usage because of an awareness that their energy consumption is being monitored and to obtain unbiased results, the information gathered via the magnetic tape meters is not provided to defendant's customers.

Although complainant asserted that the magnetic tape meter connected to complainant's transmitter could function as a time-of-use meter and could have been used to bill complainant under Schedule A-11, complainant presented no evidence to substantiate its position. The only evidence on this issue, presented by defendant, substantiates that the magnetic tape meter is not equivalent to time-of-use meter and, as explained by Torres, is not the form of time-of-use meter that PG&E would use for commercial customers. Therefore, we conclude that complainant's position on this issue is without merit.

Findings of Fact

1. Complainant seeks a refund of \$22,100 for the estimated difference in rates between Schedules A-10 and A-11 from November 1988 to October 1989.

2. A magnetic tape meter was attached to complainant's transmitter to collect data as part of a load research project, since at least 1985.

3. Defendant complied with the Commission's rules, orders, and tariffs relating to this matter.

4. Defendant compiled a list of commercial customers that could benefit from service under Schedule A-11.

5. Defendant mailed information on Schedule A-11 to those customers that could benefit from the use of the new tariff schedule.

6. The magnetic tape meter is not a time-of-use meter that PG&E would use for commercial customers under Schedule A-11.

Conclusion of Law

The complaint should be dismissed.

ORDER

IT IS ORDERED that the complaint in Case 90-04-033 is dismissed.

This order becomes effective 30 days from today.
Dated April 8, 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


NEAL J. SHULMAN, Executive Director