

APR 22 1992

Decision 92-04-047 April 22, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Unicorn Metals & Recycling Co.,)
 Complainant,)
 vs.)
 Southern California Edison)
 Company (U 338-E),)
 Defendant.)

Case 91-11-055
(Filed November 15, 1991)

Luis Ornelas, for Unicorn Metals & Recycling
 Co., complainant.
Beth A. Gaylord, Attorney at Law, for Southern
 California Edison Company, defendant.

O P I N I O N

Complainant seeks reparations in the amount of \$2,240 alleging that defendant billed complainant for energy which complainant did not receive. Defendant denied the allegations. Public hearing was held before Administrative Law Judge Barnett on February 11, 1992.

Complainant testified that he purchased a warehouse in Santa Ana, California for the storage of goods. He uses the warehouse to store materials such as copper wire, plumbing supplies, and different kinds of metals. There are no employees at the warehouse. He uses the warehouse solely for storage and opens it only when he either puts something in or takes something out. At all other times the warehouse is locked. Usually he is at the warehouse only once a month and perhaps an employee would enter the warehouse about once a month. His business is recycling and the purpose of the building is to store metals that can be recycled.

Electricity in the building is used just for lights. It is not used to operate any machinery. He said that the warehouse contained freezers, refrigerators and overhead air conditioners, all of which are connected to the electrical system but none of which are operating.

He testified that on January 23, 1991, he requested Southern California Edison Company (Edison) to turn the power on at the warehouse. Edison refused. (Edison later testified that the refusal was because in Santa Ana all commercial accounts must have a building inspector inspect the premises before electricity is turned on. At the time complainant requested electric service there had been no inspection.) Complainant testified that he turned the service on himself about two weeks after service was requested from Edison, some time in February. He said that the freezers, refrigerators, and air conditioners on the premises were all plugged in but not operating. They were plugged in when he bought the building.

He said that his first bill from Edison was dated March 3, 1991 showed a meter reading of 1955, and was for \$17.48. His second bill dated May 20, showed a meter reading of 2258, and was for \$2,269. After that, his bills went down considerably. He complained of the high bill to Edison who sent a representative to check the meter. He met the representative and they both checked the meter and the breakers. The meter and the breakers were all on.

Edison called a meter test man who testified that on June 13, 1991, he tested the meter at complainant's warehouse. He said that the meter was inside a little office in front of the warehouse. To get to the meter, he had to have the gate surrounding the warehouse unlocked and the building in which the meter was located unlocked. He tested the meter and noticed that there had been no tampering with the meter, that all voltages were

normal, and that the current transformer panel was normal. The meter tested within normal ranges.

A field service representative of defendant testified that in August 1991, he investigated complainant's high bill complaint. He searched Edison's records regarding previous customers and found that the prior customer was a meat company. The service for the previous owner was turned off in 1987 with a closing meter reading of 1955. The meter was read again in October, 1989 and had the same reading of 1955. In October 1990, the meter was read again and had the reading of 1955. On February 5, 1991, after complainant had requested service on January 23, a meter reader attempted to read the meter but could not because he had no access to the building. On February 13, defendant's meter reader obtained access and found that the meter was still reading 1955. On March 4, 1991, the meter was again read and had a reading of 1955. Edison mailed complainant an opening bill from January 23, 1991 to March 4 with an opening reading of 1955. At that time, complainant was billed only for the customer charge of \$17.48. On March 20, the meter was read at 1955. On May 20, the meter was read at 2258 with the demand register showing 22.2 kW going through the meter. This means the premises could use 532.8 kWh daily. He testified that the period between March 20, 1991 and May 20, 1991 was long enough to register the amount of kilowatt hours shown on the May 20 bill, given the load on the premises. On June 3, the meter read 2260.

On May 31, complainant made his first complaint to Edison. After meeting with complainant on several occasions to attempt to settle the billing complaint, on October 6 Edison disconnected service at the pole for nonpayment. The witness testified that when service to this building was turned off in 1987, the switch at the transformer panel was turned off and the panel was locked. He said that after Edison refused to turn the power on without a report from the building inspector, complainant

removed the panel lock and turned on the switch. In his expert opinion, he said that the meter reading was high on May 20 because after the main switch was placed in the "on" position, the subbreakers were also on and the refrigeration and air conditioners on the premises have the capability of consuming the amount of electricity actually registered on the meter.

On March 6, complainant filed a "Motion of Complaint to Set Aside Records." Edison filed in opposition. We treat the motion as one to reopen under Rule 84, and deny. Complainant's showing on his motion is that between 1987 and 1990 a person other than complainant leased the premises in question. Complainant makes no showing that during this period the electricity was turned on in the warehouse. Further, this information was available to complainant at the time of the hearing and should have been adduced at that time.

Findings of Fact

1. Complainant requested electric service at its warehouse from defendant in January 1991 and defendant refused to begin service until the warehouse was inspected by the City of Santa Ana.
2. Sometime in March 1991, complainant broke Edison's lock on the current transformer panel and turned on the main switch.
3. The warehouse stored freezers, refrigeration units, and air conditioners which were connected to the electrical system.
4. Between March 20, 1991 and May 20, 1991, the appliances in the warehouse consumed electricity and caused the meter reading to move from 1955 to 2258.
5. At all times during this period, the electric meter on the warehouse premises registered correctly.
6. Defendant's bill to complainant for electric service for the period March 4, 1991 to May 20, 1991 accurately reflected the electricity consumed on the warehouse premises.

Conclusions of Law

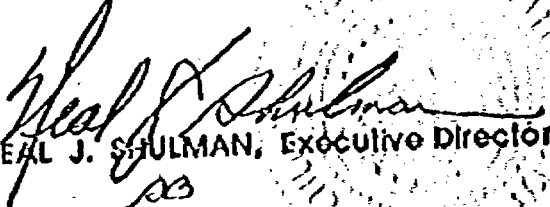
1. Defendant's bill to complainant accurately reflected the energy consumed on complainant's warehouse premises.
2. Complainant's request for relief should be denied.
3. Complainant's motion to reopen should be denied.

ORDER

IT IS ORDERED that the relief requested by Unicorn Metals & Recycling Co. is denied and Case 91-11-055 is closed. This order is effective today.
Dated April 22, 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