

ORIGINAL

Decision No. 87026

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

George & Lenora Burchill,)
 Complainants,)
 vs.)
 Southern California Edison Co.,)
 Defendant.)

Case No. 10188
(Filed October 5, 1976)

O P I N I O N

George A. Burchill and Lenora E. Burchill (complainants) named Southern California Edison Company (Edison), Bill Blain, Jr., Manager of Edison's Whittier, Norwalk, and La Mirada offices; the Public Utilities Commission, William R. Johnson, the Commission's former Executive Director; and George Cates, the Commission's Southern California Commission Representative as defendants in a billing dispute. Complainants processed an informal complaint through the Commission and objected to the Commission's action^{1/} because they did not get the relief which they sought.

Complainants allege that:

- (1) They do not question that their electric meter was tested. The issues are that the meter was never read and that the Commission was taking Edison's side that the meter is registering less electricity than is being delivered.

^{1/} Informal complaints are processed at the staff level and do not come before the Commission.

- (2) Edison is juggling their billings through issuing bills on an estimated basis which may be 25 percent to 40 percent too high. One of these bills was for \$64.42.
- (3) The investigation by an Edison serviceman in which he found nothing wrong was self-serving because the man would be long gone from Edison if he found something wrong.
- (4) An illustration of Edison's improper billing is its use of an estimated reading at the end of one billing period for determining that billing and then using the estimated end of period reading with an actual reading in the next period.
- (5) Mr. Burchill alleges that he is disabled and that his health has been further damaged by his dealings with Edison and the Commission on this dispute.
- (6) Mr. Burchill is home most of the time and the meter reader can contact him during the day. Complainants will not accept any more estimated bills or cards from Edison.
- (7) Complainants might take further legal action in court due to the damage to Mr. Burchill's health. Complainants would document Mr. Burchill's medical problems.

Complainants estimated an overbilling purportedly based on readings made by Edison employees on successive days which assumed that the use for one day would be the average for the entire billing period. This is unlikely to occur. A 500 kwh error in subtraction (see line 19 on page 5 of the complaint) invalidates the subsequent computations.

Complainants request that Edison refund all moneys overcharged for billings from February 3, 1973 (\$32.27) through September 16, 1976 (\$42.17).

Edison admits that its electrical bill of \$64.42 to complainants, for the billing period September 9, 1975 to November 25, 1975 for 77 days, was the highest electric bill sent to complainants since the initiation of the account on January 10, 1973.

Edison alleges that:

- (1) The complaint contains no allegation that its meter was registering incorrectly or that the energy used by complainants was incorrectly billed or not in accordance with its filed tariffs.
- (2) The complaint is defective in not stating a cause of action as required by Section 1702 of the Public Utilities Code of the State of California and by Rule 9 of the Commission's Rules of Practice and Procedure.
- (3) The complaint and the request of complainants is so vague, uncertain, indefinite, and ambiguous as to require that the complaint be dismissed.
- (4) Complainants' request for reimbursement for certain unspecified expenses is not within the jurisdiction of the Commission.

Edison requests that the complaint be dismissed without any relief being granted to complainants.

Complainants' response to Edison's answer entitled "Complaint to Maintain Course of Action" attacked Edison's response and made additional allegations that:

- (1) Edison estimated their bills because a card was filled in wrong.
- (2) Edison may be committing criminal fraud.
- (3) One Edison bill covered a 44-day period, the next a 77-day period and this juggling and estimating results in excessive billings.
- (4) Electric usage was very limited while Mr. Burchill was in the hospital (apparently for 2½ weeks).

Complainants submitted a bill from September 7, 1976 to November 11, 1976 for \$35.61. This bill is the correct amount for the indicated usage.

A letter from the assigned examiner to the complainants dated November 29, 1976 advised them of the requirements of Section 1702 of the Public Utilities Code and Rules 9 and 10 of the Commission's Rules of Practice and Procedure, explained the Commission's procedure for processing informal complaints and for initiating formal complaints when a dispute is unresolved. The letter requested the complainants to give any legal reason that the complaint should not be dismissed.

Complainants filed a timely reply which:

- (1) Reiterates complainants' desire to list all five of the above parties as defendants.
- (2) Estimates Edison's overcharges at \$276.00.
- (3) Sets forth purported further physical impairments related to the processing of this complaint and which indicates that "all of you are responsible for this added condition."

Discussion

The use of cards for customer recorded meter readings and/or estimated bills provide methods for expeditiously and economically obtaining a consumption for billing purposes when a meter is inaccessible. If Edison's meter readers always had to contact customers to provide access to inaccessible meters there would be an increase in meter reading expenses which would be reflected in rates.

Edison could relocate an inaccessible meter at its customers' expense.^{2/}

Complainants indicate that it is sometimes necessary to contact them for access to the meter serving their home. Edison's supplying of meter reading cards to enable the customer to send in meter readings or to estimate readings if a card reading seems out of line or is not returned on a timely basis is reasonable.

The only billing data supplied by complainants which was sufficient to test the accuracy of Edison's billings are tabulated below. Complainants contend that the first two of these billings show Edison's improper billing methods.

2/ Edison's Rule No. 16 states in part:

"Service Connections and Facilities on Customer's Premises

"A. Meter Installations and Miscellaneous Service Equipment on Customer's Premises.

"a. Location. All meters installed by the utility shall be installed at some convenient place, approved by the utility, upon the customer's premises and so placed as to be at all times accessible for inspection, reading, and testing.

"The customer shall, at his own expense, provide a new and approved location for the meter or meters in order to comply with the foregoing whenever the existing meter or meters become inaccessible for inspecting, reading, or testing."

<u>Billing Period</u>	<u>Meter Reading In Kwh</u>	<u>Consumption Kwh</u>	<u>Billing</u>
1/12/76 to 3/11/76	5599 to 6799	(estimated) 1200	\$48.95
3/11/76 to 5/10/76	6799 to 8359	1560*	60.47
9/07/76 to 11/9/76	0478 to 1261	783	35.61

* Calculated

The billings are correct for the consumption and billing periods listed. During these billing periods Edison's Schedule D-3, which is applicable to complainants' service, consisted of a monthly customer charge of \$2.40 per month (\$4.80 for a bimonthly billing), an additional energy charge of 3.20¢ per kwh for the first 300 kwh per month (600 kwh for a bimonthly billing) and 2.24¢ per kwh for consumption in excess of 300 kwh per month (over 600 kwh for a bimonthly billing), an energy cost adjustment of 0.949¢ per kwh, and an energy tax of 0.01¢ per kwh.

If the meter was read on January 12, 1976 and estimated on March 11, 1976 and read again on May 10, 1976 then the total consumption would be the same from January 12, 1976 to May 10, 1976 even if there was an error in the intermediate estimate. Since the rates were not changed during this period the total of the March 12, 1976 and May 10, 1976 bills would be the same unless the consumption dropped below 600 kwh for one of the billing periods, in that case the total would be reduced. The paid billings for 1974, 1975, and 1976 listed on page 8 of the complaint all would include consumption in excess of 600 kwh per billing.

Edison's need for reliance on meter reading cards or on an estimated reading may result in an above normal variation in the billing cycle. In that event pro rata billings are authorized in Edison's Rule No. 9 as follows:

"A.3 Pro Rata Computation. Except as provided below, all bills for electric service rendered for periods of less than 58 days or more than 66 days on a bimonthly billing period, or for periods of less than 27 days or more than 33 days on a monthly billing period will be computed in accordance with the applicable schedule, but the size of the energy blocks, and the amount of the customer, service, demand, or minimum charge, specified therein, will be prorated on the basis of the ratio of the number of days in the period to the number of days in an average bimonthly or monthly period, which for this purpose shall be taken as 60 days and 30 days, or as otherwise provided in tariff schedules.

"When the total period of service is less than 34 days, no proration will be made, and no bill for such a service period shall be less than the specified monthly customer, service, demand, or minimum charge, except, when temporary service is furnished and the customer had paid the estimated cost of installing and removing the service facilities, proration will be made."

Section 1702 of the Public Utilities Code provides in part:

"Complaint may be made by...any...person..., by written petition or complaint, setting forth any act or thing done or omitted to be done by any public utility, including any rule or charge heretofore established or fixed by or for any public utility, in violation or claimed to be in violation, of any provision of law or of any order or rule of the Commission...."

Rule 9 of the Commission's Rules of Practice and Procedure provides in part:

" A complaint may be filed by any...person, ...setting forth any act or thing done or omitted to be done by any public utility ...in violation, or claimed to be in violation, of any provision of law or of any order or rule of the Commission."

Rule 10 of the Commission's Rules of Practice and Procedure provides in part:

". . . The specific act complained of shall be set forth in ordinary and concise language. The complaint shall be so drawn as to completely advise the defendant and the Commission of the facts constituting the grounds of the complaint, the injury complained of, and the exact relief which is desired."

A complaint which does not allege a violation by a utility of a provision of law or order of the Commission will be dismissed. (Blincoe v Pacific Tel & Tel Co. (1963) 60 CPUC 432.)

Findings

1. Complainants receive electric service from Edison.
2. Complainants do not dispute the accuracy of Edison's electric meter which records their electric use.
3. Edison's meter reader does not always have access to that meter.
4. Edison supplies meter reading cards to complainants to secure meter readings showing electrical usage at complainants' residence. Edison also has estimated complainants' electrical usage. These practices are reasonable when access to complainants' meter is restricted.
5. Edison makes use of meter reading cards, or of its estimate to calculate complainants' electrical consumption and in turn to bill complainants.

6. The billings cited by complainants, showing the billing period, consumption, and amount of bill, as instances of improper billing actually conform to Edison's tariffs.

7. The complaint improperly named four other defendants who are not public utilities. Complainants' other claims are outside of the scope of this Commission's authority.

8. Complainants have not alleged any facts to show that Edison has violated any provision of law, order of the Commission, or tariff provision, or breached any legal duty it has to complainants.

Conclusions

1. Complainants do not state facts sufficient to constitute a cause of action.

2. The complaint should be dismissed.

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O R D E R

IT IS ORDERED that Case No. 10188 is dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13th day of MARCH, 1977.

Robert Bateman
President
William J. ...
Vernon ...
...
Richard D. ...
Commissioners