

IV/lcm

Decision No. 87114

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN ROBERT WELTY and  
DEBORAH ANN WELTY,

Complainants,

vs.

SOUTHERN CALIFORNIA  
EDISON COMPANY,

Defendant.

Case No. 10201  
(Filed November 2, 1976)

John R. Welty, for himself and for  
Deborah Ann Welty, complainants.  
William T. Elston, Attorney at Law,  
for defendant.

O P I N I O N

The complainants allege that during the period December 22, 1975 to October 19, 1976, the defendant charged them an amount over and above that which should have been charged for electric service. The complainants seek reparation for the amount of the overcharge and seek an order requiring the defendant to install a new meter at their place of residence.

The defendant denies that there was an overcharge and alleges that the meter involved was tested and was operating within the limits of accuracy as prescribed by the Commission.

A hearing was held in Palm Desert on January 24, 1977 before Examiner James D. Tante and the matter was submitted upon the filing of briefs by the parties or any of them on or before February 1, 1977. The briefs were to be in the form of recommended opinions set forth in letters to the presiding officer.

The parties stipulated that during the period of December 22, 1975 through October 19, 1976 the defendant billed the complainants as follows:

12-22-75	to 1-22-76	\$ 74.45
1-23-76	to 2-23-76	65.70
2-24-76	to 3-24-76	70.91
3-26-76	to 4-21-76	77.53
4-22-76	to 5-20-76	107.92
5-21-76	to 6-21-76	128.78
6-22-76	to 7-21-76	187.61
7-22-76	to 8-19-76	161.09
8-20-76	to 9-16-76	157.66
9-17-76	to 10-19-76	93.65
10-20-76	to 11-18-76	43.91
11-19-76	to 12-20-76	73.40

John R. Welty testified for the complainants. He did not contend that the charge made for each kwh for which he was billed was inaccurate but that he was billed and paid for more electric energy than he consumed.

Mr. Welty testified that his residence is an insulated motor home consisting of approximately 840 square feet. He stated the residence is all-electric and has air conditioning, space heating, a washing machine, a dishwasher, and small appliances. He stated that he worked at night and usually slept during the day and his wife was usually home at night. He kept the air conditioner thermostat set at 78°, but his wife would turn it down to 70° despite his request that she not do so.

Mr. Welty testified that he had had his air conditioner checked and it was certified to be in A-1 working condition. He further testified that he did not see how it would cost \$187 in one month, specifically referring to the June 22 through July 21 billing by the defendant. He stated that he understood that he had the burden of proving that he did not receive the electric energy for which he was charged and that if he failed to do so he could not prevail. He stated that he did not have a telephone in his residence.

Mr. Ray Burkett, its customer service supervisor for the Palm Springs area, testified for the defendant. He testified that on two occasions during September 1976 he and a service man went to the complainants' residence in order to discuss the problem with them but on each occasion there was no one at home. On another occasion the service man went to the residence alone but the complainant Mrs. Welty would not discuss the bill with him but did permit him to check the meter. He found and reported that the meter was accurate within the limits permitted by the Commission. September 16, 1976 the witness and John Kafel proceeded to the complainants' residence at approximately 10:45 a.m. Mr. Welty was at home and a load check was made at that time. An inspection showed that the air conditioner thermostat was set at 75°, was in operation, and was consuming 4.8 kw of electric power, and that a monthly operation of the air conditioner during hot months would require \$108 a month. This occurred during the summer and the temperature on occasion rose to as high as 118°; however, on that date it was approximately 108°.

The witness stated that he put his hand on the ceiling and on the sides of the motor home and found the surfaces to be quite warm. He testified that Mr. Welty stated that the temperature in the motor home was similar to that which might be experienced in a tin box. The witness testified that the air conditioning vents were in the floor, there was not sufficient insulation, and that the pattern of billing was consistent with other users of electric energy in the area. The witness also stated that on approximately October 15, 1976 he visited the residence and found that no one was home, the air conditioner was in operation, and the other air conditioners serving the other motor homes in the area were not in operation.

Findings

1. The complainants reside at 190 Golden State, Rancho Mirage, California 92270 and receive electric service from the defendant.
2. The meter measuring the energy consumption of the complainants at their residence was operating within the specifications approved by the Commission.
3. The electric equipment used at the complainants' residence was capable of utilizing all of the consumption of electric energy for which the complainants were billed during the period involved in the complaint.
4. There were no abnormal conditions which would cause waste of electric energy billed to the complainants.

5. Air conditioning usage during very hot weather was a major factor in the large consumption of electric energy during a part of the period for which the complainants seek reparation.

6. The complainants were charged for electric energy provided by the defendant in accordance with the defendant's filed tariffs.

The Commission concludes that the relief requested should be denied.

O R D E R

IT IS ORDERED that the relief requested is denied.

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

Dated at San Francisco, California, this 22<sup>nd</sup>  
day of MARCH, 1977.

Robert Behring  
President  
William Squires, Jr.  
Leonard Stutzman  
Howard Ross  
Charles D. Howells  
Commissioners