

ORIGINAL

Decision No. 88432 JAN 31 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SAMUEL AND BEVERLY GRAF,

Complainants,

vs.

SOUTHERN CALIFORNIA EDISON
COMPANY,

Defendant.

Case No. 10456
(Filed October 31, 1977)

Beverly Graf and Samuel Graf,
for themselves, complainants.
Donald M. Milligan, for defendant.

O P I N I O N

The complainants allege and the defendant admits that the complainants' bill for electric energy from January 31 to October 3, 1977 was \$54.61 for January 31 to April 8; \$39.86 for April 8 to June 4; \$124.18 for June 4 to August 3; and \$119.85 from August 3 to October 3, 1977. The complainants allege that during the period June 4 to October 3, 1977 they were charged twice as much as they should have been in that their consumption was approximately one-half of that for which they were charged, and they seek reparation in the amount of \$122 for such alleged overcharge. The defendant denies that there has been any overcharge whatever and alleges that the complainants have been properly charged for the electric energy supplied and consumed by them during the period involved. The complainants have refused to pay the defendant for the period involved herein but on October 31, 1977 deposited the sum of \$244.03 with the Commission.

All parties have signed a proper consent and waiver, stated that they desire to use the Commission's expedited procedure, waived the presence of a court reporter at the hearing, and waived findings of fact and conclusions of law in the decision to be issued herein, and a hearing was held in Los Angeles on January 9, 1978 before Administrative Law Judge James D. Tante pursuant to Rule 13.2 (expedited complaint procedure) of the Commission's Rules of Practice and Procedure.

The complainants live in Apartment A at 590 N. Oaktree Lane, Thousand Oaks, California, and contend that they used their air conditioner during July and August of 1977 but not for a long period of time inasmuch as the air conditioner is not effective; and that the tenants in the apartments in close proximity to them used their air conditioners as much or more than the complainants, had many more electrical appliances than the complainants, and were billed by the defendant for sums much less than the bills received by the complainants.

The complainants live in Apartment A. Apartment C is apparently not helpful in making a comparison, but such a comparison between the bills received by the complainants and the bills received and paid by the occupants of Apartments B and D is as follows:

	<u>Complainants</u>	<u>Apt. B</u>	<u>Apt. D</u>
January 31 - April 8	\$ 54.61	\$50.18	\$54.64
April 8 - June 4	39.86	41.30	48.78
June 4 - August 3	124.18	55.58	75.82
August 3 - October 3	119.85	50.95	83.39

At the hearing the parties agreed that the facts set forth above are accurate.

Exhibit 1, customer service request; Exhibit 2, request for meter test; Exhibit 3, defendant's Rule No. 17; Exhibit 4, recapitulation of account; Exhibit 5, inventory of electrical equipment at the complainants' premises; and Exhibits 6 and 7, analyses of charges for the period involved, were received in evidence at the request of the defendant.

Beverly Graf and Samuel Graf testified for the complainants, and Philip W. Ozab, the defendant's county area manager for the area which includes the premises involved herein, testified for the defendant.

The complainants' apartment has three bedrooms and a den and is approximately 1,600 square feet in area. They stated that there was no problem with their billings for any period after October 3, 1977.

The defendant tested the meter and the uncontroverted evidence was that it was within the limits of accuracy required by its Rule No. 17 (Exhibit 3).

The electrical equipment at the premises, including the 3,726-watt, 16.2-ampere, 230-volt air conditioner, is sufficient to use the electric energy for which the complainants have been billed.

There were no abnormal conditions which would cause waste of electric energy billed to the complainants.

The complainants were charged for electric energy provided by the defendant in accordance with the defendant's filed tariffs, the relief requested should be denied, and the \$244.03 deposited by the complainants with the Commission on October 31, 1977 should be paid to the defendant.

O R D E R

IT IS ORDERED that:

1. The relief requested is denied.
2. The sum of \$244.03 heretofore deposited with the Commission by the complainants on October 31, 1977 shall be remitted to the defendant.

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

Dated at San Diego, California,
this 31st day of JANUARY, 1978.

Robert Batistone
President
William J. Spence
Richard D. Hanks
Clair D. Smith
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.