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ORIGINAL

Decision No. 88833 MAY 16 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JESSE M. GONZALEZ, Complainant, vs. SOUTHERN CALIFORNIA EDISON COMPANY, Defendant.	Case No. 10492 (Filed January 23, 1978)

Jesse M. Gonzalez, for himself, complainant.
Donald L. Milligan, for the defendant.

O P I N I O N

The complainant alleges that his bills for electric service for the periods July 1 to August 31, 1977 in the amount of $151.10 and from August 31 to November 2, 1977 in the amount of $88.86 are in excess of that which he should have been charged for the electric energy he received. He seeks reparation for the difference between the $239.96 that he paid for electric energy during the period July 1 to November 2, 1977 and the amount that he should have been charged for the electric energy that he actually received during that period.

The defendant admits that the complainant was billed and paid $151.10 for electric service supplied during July 1 to August 31, 1977, and that it billed the complainant $88.86 for electric service during the period August 31 to November 2, 1977; but it contends that the latter sum of $88.86 has not yet been

paid, but on January 26, 1978 was deposited with the Commission by the complainant. The defendant requests that this amount be ordered paid to the defendant.

A hearing was held in Los Angeles on April 10, 1978 before Administrative Law Judge James D. Tante pursuant to Section 1702.1 of the Public Utilities Code and Rule 13.2 (Expedited Complaint Procedure) of the Commission's Rules of Practice and Procedure. At the hearing the parties agreed that the facts, as set forth above, are accurate. The matter was submitted at the conclusion of the hearing on April 10, 1978.

The complainant testified for himself. Donald W. Bailey, a City Area Manager for the defendant whose area includes the residence of the complainant, testified for the defendant.

Exhibit 1, a record of the daily temperature from July 1 to October 31, 1977 in the area where the complainant resides; Exhibit 2, a customer service request issued September 27, 1976; Exhibit 3, the billing history for the complainant from December 13, 1974 to January 4, 1978; Exhibit 4, a customer service request issued September 6, 1977; Exhibit 5, a request for meter test; and Exhibit 6, appliance check meter readings of the complainant's refrigerator and clothes dryer, were received in evidence.

The complainant testified that during the period involved herein, from July 1 to November 2, 1977, his charge for electric energy should have been only $150 instead of $239.96, and that he is entitled to reparation in the sum of $89.96. He testified that his bill for electric energy was usually in the amount of $60 to $75 for each two-month period. He stated that he and his family were away from their home from July 4 to 26, 1976. He stated that he purchased his present residence in December of 1974 and, since that time, has converted his garage into a family room, and has added air-conditioning to his home, but the family

room is closed off from the rest of the house, and does not utilize the air-conditioning. He and his wife are both employed. They have two children who were ages 5 and 1 during the period involved herein. The children were cared for on weekdays by his mother who resides with him and his wife.

The defendant's witness testified that the air-conditioning in the complainant's residence is a unit of approximately 3 tons. The complainant has a frost-free refrigerator approximately 20 cubic feet in size, and an electric washer and dryer. He stated that on October 18, 1977 he had a conversation with the complainant and the complainant's wife at their home, at which time he was told by one of them that during the summer they maintained the thermostat of the air-conditioning at 78 degrees, 24 hours per day. He stated that based upon Exhibit 1, and the temperature reflected thereon, he was of the opinion that during July and August of 1977 the air-conditioning would be operating from 30 to 35 percent of the time, and would cause the consumption of electric energy for which the complainant was billed. He stated that it was his opinion that the appliances in the home of the complainant were capable of utilizing the electric energy for which the complainant was billed.

The witness testified that at the request of the complainant his electric meter was inspected and found to be operating properly within the tolerance permitted by the defendant's Rule No. 17.

In the area of the complainant's residence, the high daily temperature during the period involved in 1977 was between 84 and 102 degrees during July; 83 and 95 degrees during August; 77 and 99 degrees during September; and, except for two days, was between 75 and 90 degrees during October. (Exhibit 1.)

The complainant used 3,752 kwh of electric energy during July 1 to August 31, 1976 for a cost of $130.59, compared to 4,151 kwh for a cost of $151.10 for the same period in 1977; but from July 4 to 26, 1976 he and his family were on vacation and the residence was not occupied.

The electrical equipment at the premises of the complainant is sufficient to use the electric energy for which he has been billed. There were no abnormal conditions which would cause waste of electric energy billed to the complainant. The complainant was charged for electric energy provided by the defendant in accordance with the defendant's filed tariffs, the relief requested should be denied, and the $88.86 deposited by the complainant with the Commission on January 26, 1978 should be paid to the defendant.

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O R D E R

IT IS ORDERED that:

1. The relief requested is denied.

2. The sum of $88.86 heretofore deposited with the Commission by the complainant on January 26, 1978 shall be remitted to the defendant.

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

Dated at San Francisco, California, this 16th day of MAY, 1978.

Robert Batinovich
President

William Symons, Jr.

Vernon L. Sturgeon

Richard D. Gravelle

Claire T. Dedrick
Commissioners