

Decision No. 88995 JUN 27 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MITCHELL CANNOLD,)
)
 Complainant,)
)
 vs.)
)
 SOUTHERN CALIFORNIA EDISON)
 COMPANY,)
)
 Defendant.)

Case No. 10433
(Filed October 3, 1977)

Mitchell Cannold, for himself,
 complainant.
Peter H. Fuad, Attorney at Law,
 for defendant.

O P I N I O N

Complainant, Mitchell Cannold, seeks an order requiring that defendant, Southern California Edison Company, adjust his electric account on the basis of a radiant heating system ground leakage loss of 12.9 amperes flowing 24 hours a day for the period when he first received service at his present residence, August 8, 1975, to the time when the grounded condition was eliminated on August 1, 1977 or on the basis of a comparison of consumption patterns before and after the elimination of the grounded condition.

Public hearing was held before Administrative Law Judge N. R. Johnson in Los Angeles on February 27, 1978 and the matter was submitted upon receipt of transcript. Testimony was presented on behalf of complainant by himself and on behalf of defendant by the district accounting service manager for the Thousand Oaks district and by one of its billing inquiry specialists.

Complainant's Position

Testimony presented by complainant indicated that:

1. Approximately one year after purchasing his all-electric residence, he noted that the pattern of electric consumption was inordinately high during the winter months.

2. In response to his billing inquiry one of defendant's representatives called at the house and discussed the consumption levels of the various appliances and offered suggestions as to how to effect decreased electrical consumption. Complainant permanently disconnected a freezer and adopted some of the discussed suggestions with negligible drop in electrical consumption.

3. The representative then stated that she was not technically inclined and suggested complainant contact one of defendant's billing inquiry specialists which he did.

4. This specialist stated that even with the thermostats in an "off" position it was possible that there was a break in one of the cables resulting in leakage to ground and suggested that the consumption be monitored with the circuit breakers open. Complainant opened the involved circuit breakers and noted a drop in consumption of approximately 75 percent.

5. Upon being notified of this drop in consumption, the billing specialist referred complainant to the district accounting service manager and stated that in order to qualify for an adjustment to his account for a ground leakage loss he would have to provide verification from a qualified electrician that such a condition had existed and had been corrected.

6. Complainant contacted defendant's service manager who informed him that he would require written verification by an electrician that a grounded condition had existed, a statement that the circuit wires for the affected circuits had been permanently disconnected, and information as to the amperage of

the ground before he would be in a position to make a billing adjustment to complainant's account. According to the record, compliance with these requirements necessitated three visits by a qualified electrician. After these requirements had been met, defendant offered only a public relations adjustment of \$100 which was refused by complainant as inadequate.

7. The consumption for October 1975 through March 1976 totaled 28,960 kilowatt hours; for the same period in the 1976-1977 winter, totaled 35,080 kilowatt hours; and for the current comparable period after the heating cable was disconnected, approximated 16,760 kilowatt hours. The total difference between the recorded past two-years consumption and the current consumption is 47,280 kilowatt hours, which at the 3.4 cents per kilowatt hour prevailing rate at the time of the loss totals \$1,607.52. Utilizing defendant's optional policy adjustment equal to 50 percent of the usage attributable to the current consuming ground would result in a billing adjustment of \$803.76 which complainant believes would be reasonable.

8. Complainant does not dispute the accuracy of the meter.

Defendant's Position

Testimony presented on behalf of defendant indicated that:

1. Defendant is under no obligation to make any adjustment to a customer's bill for conditions relating to the house wiring. However, as a company policy, the district manager has the option of making a billing adjustment for a grounded condition that has been verified and corrected by a qualified electrician. Such an adjustment is normally based on 50 percent of kilowatt-hour registration that is attributed to the current consuming ground.

2. The magnitude of the current consuming ground, in amperes, is necessary as a basis for deriving the amount of an adjustment.

3. Defendant's original refusal to make any adjustment to complainant's account was based on not having received the required data concerning the magnitude of the ground leakage current from the electrician.

4. If the upstairs heaters were used in an attempt to heat the downstairs portion of the premises, present consumption would be an invalid basis for adjustment computations.

5. The ground losses were finally ascertained to be 5.5 amperes in one circuit and 7.5 amperes in the second circuit, and both circuits have been permanently disconnected.

6. The ground current could vary considerably from the stated amounts and could be in effect anywhere from zero to 24 hours a day.

7. Billing adjustments for grounded conditions were generally based on the current and/or previous billing period.

8. For the four-month period involved in the original inquiry, January through April 1977, a 240-volt ground of 5.5 amperes in one circuit and 7.5 amperes in the second circuit would result in a billing adjustment of \$71.44 if an eight-hour per day ground were assumed, \$98.28 if a 12-hour per day ground were assumed, and \$122.10 if a 16-hour per day ground were assumed. With a 120-volt ground these amounts would be approximately halved.

9. Any comparison based on different consumption patterns has to include consideration of varying climatic conditions.

Discussion

It is obvious from the record in this proceeding that a grounded condition existed at complainant's premises causing abnormally high consumption from the time he first took service at these premises until the radiant heating system was disconnected on a temporary basis by opening the circuit

breakers and on a permanent basis by severing the wires. It is also clear that defendant's policy provides its district managers the option, upon receipt of a letter from a qualified electrician reporting the finding and elimination of a grounded condition, of adjusting the customer's account an amount normally based on 50 percent of the kilowatt-hour registration attributed to the current consuming ground. The requisite conditions were met by certification from a qualified electrician indicating the existence and elimination of a ground condition at complainant's premises. With this documentation and in view of the number and length of complainant-defendant discussions in attempting to resolve the matter, it would appear that a billing adjustment would be in order. The questions requiring resolution are the length of time to be included in the computations of the billing adjustment and the magnitude of current consuming ground.

It is axiomatic that defendant provided the kilowatt-hours of energy for which the disputed bills were rendered. Lacking notification to the contrary, defendant had reason to assume that the energy for which the bills were rendered was being consumed to meet only the bona fide requirements of defendant. Under these circumstances, the utilization of the period from commencement of service to the elimination of the ground condition for the billing adjustment as requested by complainant would be inappropriate. The original high-bill complaint was for the period October 27, 1976 through December 28, 1976. It is reasonable to start the adjustment period with the first day of the billing period of the original disputed bill, i.e., October 27, 1976, and end it when the grounded condition was first eliminated by opening the circuit breakers in April 1977, or approximately 180 days.

The most reliable information in the record on the magnitude of the current consuming ground is the electrician's report of a ground of 5.5 amperes on one circuit and 7.5 amperes on another circuit. It is appropriate to utilize this data for computing the amount of the billing adjustment. According to the record, the radiant heating thermostats were of the single-pole variety. With this wiring configuration, continuous current could flow through the "hot leg" by-passing the thermostat into the ground. Such a condition fits within all the parameters of the grounded condition discussed on the record of this proceeding and will, therefore, be utilized for the computation of the billing adjustment. Thirteen amperes (5.5 plus 7.5) times 120 volts (voltage between "hot leg" and ground) equals 1,560 watts or 1.56 kilowatts. Assuming 24-hour operation at 1.56 kilowatt hours per hour for 180 days, 6,739 kilowatt-hours would be attributed to the current consuming ground. Fifty percent of this amount is 3,370 kilowatt hours which we will adopt as the billing adjustment kilowatt-hours. On the D-6 schedule in effect during the period in question the adjustment computes to be \$215.59 which we will adopt as the proper billing adjustment.

Findings

1. Complainant's premises experienced a current consuming ground on the radiant heating system of 1.56 kilowatt hours per hour.
2. Defendant's established policy provides its district managers the option of granting a billing adjustment for a grounded condition upon receipt of a letter from a qualified electrician reporting such a ground and its elimination normally equal to 50 percent of the kilowatt-hour registration attributed to the current consuming ground.

3. Complainant furnished such a letter to defendant and should, therefore, be granted such a billing adjustment.

4. A reasonable period to use for computing the amount of the adjustment is 180 days covering the approximate period from the commencement of the billing period of the disputed bill until the grounded condition was eliminated.

5. A billing adjustment based on 50 percent of the kilowatt-hour registration attributed to the current consuming ground equals \$215.59.

The Commission concludes that the relief requested should be granted to the extent provided in the order which follows.

O R D E R

IT IS ORDERED that within thirty days after the effective date of this order defendant, Southern California Edison Company, shall credit the account of complainant, Mitchell Cannold, in the amount of \$215.59 as a billing adjustment for the 180-day period commencing October 27, 1976 for a current consuming ground at his premises at 200 Powderhorn Road, Topanga, California.

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

Dated at San Francisco, California, this 27th day of JUNE, 1978.

William J. Quinn President
Leon L. Sturgeon
Charles D. Gable
Clare D. Dehal Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.