

Decision No. 89336

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DAVID S. MESTAZ,

Complainant,

vs.

SOUTHERN CALIFORNIA EDISON
COMPANY,

Defendant.

(ECP)
Case No. 10589
(Filed June 7, 1978)

David S. Mestaz, for himself,
complainant.
Donald L. Milligan, for defendant.

OPINION AND ORDER

Complainant disputes an \$86.80 electric bill rendered for 2,013 kilowatt-hours (kWh), in the 72-day billing period from December 6, 1977 to February 16, 1978. He seeks an adjustment amounting to one-half of the bill in dispute, contending that if the bill was so reduced, it would be closer to the correct amount he should pay. Defendant alleges that the meter involved was tested and found to be operating within the limits of accuracy prescribed by the Commission, and that the bill was based on actual meter readings and correctly computed.

This matter was heard under the Expedited Complaint Procedure on July 31, 1978 by Administrative Law Judge Main, pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure. Complainant testified on his own behalf. Testimony on behalf of defendant was presented by its customer service representatives.

The evidence shows that:

1. Service to complainant started December 6, 1977 with a meter reading of 7,502 kWh. That meter reading served as the closing meter reading in computing the closing bill to the former customer and as the opening meter reading in computing the bill in dispute.

2. The disputed bill is for \$86.80 rendered for 2,013 kWh in the 72-day billing period from December 6, 1977 to February 16, 1978. It was based on actual meter readings and was correctly computed. The meter involved was tested on March 14, 1978 and found to be operating within the limits of accuracy prescribed by the Commission.

3. Complainant's connected electrical load is:

| | |
|-------------------------------------|-------------|
| Window Air Conditioner (Sears) | 1,440 Watts |
| Frost-Free T/F Refrigerator (Wards) | 816 Watts |
| 25" Color Television (Magnavox) | 336 Watts |
| Water Cooler (Royal) | 240 Watts |
| Portable Electric Heater (McGraw) | 1,320 Watts |
| Room Ceiling Heat | 2,250 Watts |
| Miscellaneous & Lighting | 1,000 Watts |

4. Meter readings on complainant's service by defendant on and after December 6, 1977 and related daily average kWh were:

| <u>Date</u> | <u>Read</u> | <u>KWh</u> | <u>No. of Days</u> | <u>Daily Average</u> |
|-------------|-------------|------------|--------------------|----------------------|
| 12/6/77 | 7,502 | - | - | - |
| 12/16/77 | 7,664 | 162 | 10 | 16.2 |
| 2/16/78 | 9,515 | 2,013 | 72 | 27.96 |
| 2/27/78 | 9,786 | 271 | 11 | 24.64 |
| 3/10/78 | 0,017 | 231 | 11 | 21.0 |
| 3/13/78 | 0,086 | 69 | 3 | 23.0 |
| 3/14/78 | 0,096 | 10 | 1 | 10.0 |
| 4/4/78 | 0,354 | 258 | 21 | 12.29 |
| 4/11/78 | 0,474 | 120 | 7 | 17.14 |
| 6/16/78 | 1,154 | 1,639 | 120 | 13.66 |

5.a. The period covered by the disputed bill encompassed the coldest part of the year, the holiday season, and complainant's initial occupancy of this dwelling unit.

b. According to complainant the room ceiling heating system, rated at 2,250 watts, was operated with a temperature setting of 65-68° F. for about eight hours per night and at other times with its lowest temperature setting which is 55° F. (i.e., the thermostat lacks an "off" position). At the latter times the system would cycle on and off when the temperature fell below 55° F.

c. A 2,250-watt load applied for six hours requires 13.5 kWh, which alone is 48 percent of the disputed average daily total usage of 28 kWh (i.e., the 2,013 kWh for the 72-day period equates, as shown above, to an average of 28 kWh per day).

d. Complainant is convinced that the daily average kWh tabulated in Finding 4 above, corresponding to meter readings taken on and after March 14, 1978, are more representative of his usage at all times including the period covered by the disputed bill.

Although complainant believes it impossible that he could have used the amount of energy for which he was billed for the 72-day period ending February 16, 1978, the evidence establishes that he clearly could have; that the meter at the complainant's premises was not in error; and that the meter was properly read. In these circumstances, we are compelled to conclude that the high use complained of ~~must-in fact have occurred~~. It is the duty of defendant to charge and collect for all energy used as provided in its filed tariff. *MR*

IT IS ORDERED that the relief requested is denied and that the sum of \$86.80 impounded by the Commission be paid to defendant, together with any other sums impounded with respect to this proceeding.

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

Dated at San Francisco, California, this 6 day of SEPTEMBER, 1978.

Robert Bateman

President

William J. Lusk
Veronica L. Stagg
Charles W. Moore

Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.