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Decision No. 89586 : OCT 31 1978

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARGARET MARKS,  
Complainant,

vs.

SOUTHERN CALIFORNIA EDISON  
COMPANY,

Defendant.

(ECP)  
Case No. 10627  
(Filed July 18, 1978)

Margaret Marks, for herself,  
complainant.  
Donald L. Milligan and Jimmie L.  
Becker, for defendant.

OPINION AND ORDER

Complainant disputes a \$281.34 electric bill rendered for 4,774 kilowatt-hours (kWh) in the 95-day billing period from September 8, 1977 to December 12, 1977 and a \$202.68 electric bill rendered for 3,186 kWh in the 88-day billing period from December 12, 1977 to March 10, 1978. She seeks an "adjustment of these two bills to reflect a realistic charge..." Defendant alleges that the meter involved was tested and found to be operating within the limits of accuracy prescribed by the Commission, denies that complainant's connected load is limited to seven fluorescent lights and one telephone answering machine, and asserts that the complaint does not state facts sufficient to constitute a cause of action.

This matter was heard under the Expedited Complaint Procedure on September 8, 1978 by Administrative Law Judge Main, pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure. Complainant testified, in part, as follows.

The disputed bills are for service to her office which, in most respects, has been closed for the last 18 months. (The office is being retained because its lease has not expired.) She receives mail at the office and typically spends about three hours a week there. She did not go to the office, however, during the entire month of August 1977 because of illness and during the entire period of mid-December 1977 to mid-January 1978 when she was in Mexico.

In addition to fluorescent lights and a telephone answering machine, the evidence shows that complainant's connected load includes one heater blower motor rated at 124 watts, one water heater rated at 1,250 watts, one exhaust fan rated at 124 watts, one air-conditioning compressor rated at 3,611 watts, one outdoor A/C fan rated at 299 watts, and one indoor A/C fan rated at 460 watts. It further shows that no current consuming ground condition was detected either by an electrician retained by complainant or by defendant; that the electric meter serving complainant's office was tested on March 23, 1978, reading 33715, and on May 2, 1978, reading 33752, and was found, on both occasions, to be registering within the limits of accuracy prescribed by defendant's tariff Rule No. 17; and that the disputed bills were correctly computed.

An analysis of complainant's account for electric service from defendant for year 1977 and through July 10, 1978, taken from Exhibit 2, follows:

<u>Date</u>	<u>Meter Reading</u>	<u>KWH</u>	<u>No. of Days</u>	<u>Daily Average KWH</u>	<u>\$</u>	<u>Remarks</u>
1/12/77	24461					
3/10	24583	122	57	2.1	9.98	
5/10	24719	136	61	2.2	10.99	
7/11/77	25248	529	62	8.5	35.63	Regular Read
9/8	25748E	500	59	8.5	34.30	Estimated Bill
11/18	29366P	3,618	71	50.96	-	Post Card Read
12/12	30522P	(1,156) 4,774	(24) 95	(48.17) 50.3	- 281.34	2nd Post Card Read
3/10/78	33708	3,186	88	36.2	202.68	Regular Read
3/23/78	33715	7	13	.54	-	Meter Test
5/2/78	33752	37	40	.92	-	Meter Test
5/9/78	33771	63	60	1.1	6.81	Regular Read
7/10	33938	167	62	2.7	14.41	Regular Read

In explaining the above tabulation, defendant's witnesses testified as follows. For several billing periods after July 11, 1977 actual meter readings by defendant's personnel were not obtainable. For the 59-day billing period ending September 8, 1977 a \$34.30 bill was issued for an estimated energy use of 500 kWh. For the next billing period,

when access once again could not be gained to the meter, a postcard meter reading was sought. A reading of 29366, presumably made November 18, 1977, was obtained in this way. Because this indicated a consumption of 3,618 kWh for the 71-day period, which was inordinately high in comparison with prior usages, it was not used for a billing. Instead another unsuccessful attempt to have defendant's personnel gain access to the meter was made. A second postcard left at complainant's office provided the meter reading of 30522 made on December 12, 1977. The second postcard meter reading was evaluated as confirming a shift to a higher level of usage. A \$281.34 bill for the 95-day period ending December 12, 1977 was prepared and mailed on December 21, 1977. On January 28, 1978 complainant disputed this bill and in response defendant sent on the same day a serviceman to complainant's office to read the meter. He found the office closed and left a form requesting that the customer contact defendant. On February 9, 1978 complainant again requested verification of the billing and meter reading for her account. Once again there was difficulty due to access. The meter was not read until March 10, 1978. The \$202.68 bill for the 88-day period ending March 10, 1978 ensued.

It is complainant's position that the very limited use she makes of her office precludes electrical energy consumption which could even remotely approximate that shown on the disputed bills. It is defendant's position that malfunctioning of the electric meter is ruled out by the results of the meter tests, that the disputed bills were computed correctly, and that there was a connected load which could account for the consumption registered on the meter.

The unusual facets to this dispute are the lack of access for meter readings because complainant's office was closed most of the time and the exposure to running up usage without opportunity to control it, if electrical equipment is unintentionally left on, during her prolonged absences. Defendant is responsible for its facilities up to and including the meter. Complainant is responsible for facilities and appliances beyond the meter.

In light of the rereading of the meter substantiating the billing readings and the results of the meter tests, we conclude that the high use complained of occurred. It is the duty of defendant to charge and collect for all energy used as provided in its filed tariff.

IT IS ORDERED that the relief requested is denied and that the sum of \$454.02 impounded by the Commission be remitted to defendant to be credited to complainant's account.

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

Dated at San Francisco, California, this 31st day of OCTOBER, 1978.

Robert Buttrick  
President  
William J. ...  
Vernon L. ...  
Richard C. ...  
Chris ...  
Commissioners