

Decision No. 89962 FEB 14 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TREPTE'S WIRE AND METAL WORKS,)
)
 Complainant,)
)
 vs.)
)
 SOUTHERN CALIFORNIA EDISON)
 COMPANY,)
)
 Defendant.)

Case No. 10658
(Filed August 25, 1978)

Douglas L. Callister, Attorney at
 Law, for complainant.
William T. Felston, Attorney at
 Law, for defendant.

ORDER OF DISMISSAL PURSUANT TO SETTLEMENT AGREEMENT

Treppe's Wire and Metal Works (Treppe) is supplied with electrical service from Southern California Edison Company (Edison). Treppe, which is located at 15341 Garfield Avenue, Paramount, California, has been a customer of Edison from 1966 to date. Treppe has utilized numerous pieces of welding equipment in its operations from 1966 to date. Late in 1977, Treppe requested Edison to determine if any service changes were required to supply electricity to additional equipment in Treppe's plant. Edison's representative inspected Treppe's plant and determined that Edison had not and was not billing Treppe for welder service as set forth in Section I of its tariff Rule No. 2. Edison back billed Treppe for the additional welder service charges for three years at a demand level below that called for in Rule No. 2, based on Treppe's agreement to install an interlock device to limit the maximum

potential welding demand on the service. The back billing assumed that the interlock device was installed for the past three years. Edison is currently billing Trepte pursuant to its filed tariffs. Edison's commercial office personnel and/or procedures should have disclosed that Trepte had an electrical welding load. Edison's representatives did not ascertain that Trepte had an electrical welding load when the transformers on the service to Trepte's business were changed.

The subject complaint is based upon Trepte's objection to being back billed. Trepte alleges that its operations were observed by Edison employees and that Trepte could not now rebill its customers to pay for its additional expenses.

On December 15, 1978, a public hearing was held in the city of Los Angeles before Administrative Law Judge Jerry J. Levander. After a portion of the testimony was presented, Trepte and Edison arrived at a settlement wherein Edison agreed to accept payment of one half of the amount claimed by Trepte, \$2,096.42 of \$4,192.83,^{1/} if the complaint was dismissed. The matter was adjourned subject to Commission ratification of the settlement and dismissal of the complaint.

Findings

1. Edison has supplied electricity for Trepte's business from 1966 to date. Trepte's business uses electrical welding equipment.

2. Edison did not bill Trepte for electrical welding demand charges as provided for in its tariffs until after an Edison service planner inspected Trepte's business, at Trepte's request, in December 1977.

^{1/} Edison's reply to the complaint indicated that the back billing was for \$4,967.43. A portion of the bill was paid.

3. Edison back billed Trepte for welding demand charges. The back billing was for three years. Welding demand was based on the load on Edison's system after an interlock device was installed.

4. Edison is presently billing Trepte pursuant to its filed tariffs.

5. Edison billed Trepte for \$4,967.43. A portion of the bill was paid. Trepte objected to back billings of \$4,192.83.

6. Edison and Trepte agreed to settle the dispute upon payment to Edison of \$2,096.42 and dismissal of the complaint.

7. Trepte deposited \$4,192.83 with this Commission, pending resolution of the dispute (see MI-8769-E).

Conclusion.

We conclude that it is just and reasonable to dismiss the complaint on the basis agreed upon by the parties.

IT IS ORDERED that:

1. Deposits by complainant in the sum of \$4,192.83 deposited with the Commission by complainant with respect to this complaint shall be disbursed as follows: \$2,096.42 to Southern California Edison Company and \$2,096.41 to Trepte's Wire and Metal Works.

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2. Case No. 10658 is dismissed.

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

Dated at San Francisco, California, this 14th day of FEBRUARY, 1979.

Commissioner Leonard M. Grimes, Jr., being necessarily absent, did not participate.

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

John E. Boyer
President
Vernon L. Sturgeon
Walter J. DeLoach

Commissioners