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Decision 95-11-029 November 8, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Grace K. Ryshliski,

Complainant,

vs.

Southern California Edison Company,

Defendant.

(ECP)

Case 94-08-036

(Filed August 24, 1994)

ORIGINAL

ORDER GRANTING REHEARING OF D.94-12-023

Grace Ryshliski ("applicant") has filed an Application for Rehearing of Decision ("D." or "Decision") 94-12-023, issued on December 7, 1994. Applicant alleges that the Commission in the Decision failed to properly calculate the reparations that she is entitled to due to Southern California Edison Company's ("Edison") incorrect meter billing.

During a public hearing held October 14, 1994, applicant testified that between October 1991 and September 1994 her electric bills ranged from \$34 to \$89. She stated that discussions with neighbors who have similar homes revealed that their bills averaged less than \$30 a month. Since her use of electricity was significantly lower than that of her neighbors', applicant requested reparations from Edison of at least \$1,000 because of the high meter readings.

Edison had previously found during an investigation that applicant's meter, which was installed in 1969, was running 3% fast and therefore it refunded her \$69.63. Edison also gave applicant a \$200 credit for the inconveniences she suffered as a result of the, incorrect meter billing. Edison argued during the hearing that no further reparations were due.

Subsequently, in D.94-12-023, the Commission held that it had not been persuaded that consumption was as high as claimed by Edison. It found that applicant was entitled to a refund of \$1,080. That amount was reduced by \$269.63, which included the \$69.63 refunded applicant for the fast meter plus the \$200 credit provided for her inconvenience.

In her Application for Rehearing, applicant alleges that D.94-12-023 contains a number of errors in the calculation of the reparations due her. Although applicant acknowledges that the facts underlying the calculation are true, she argues that her proposed revisions to the calculation would provide a fairer and more substantial refund. First, applicant contends that the Commission should have only averaged 29 months of bills rather than 36 months because the first 29 months reflect higher bill amounts. However, applicant does not show that those 29 months of bills were so significantly higher than the following seven months as to require averaging only those 29 bills in order to obtain reasonable results. Applicant, therefore, does not demonstrate that averaging 36 months of bills was an error or abuse of discretion. In fact, it was reasonable for the Commission to average 36 months of bills in order to arrive at the average bill for purposes of the calculation since the established period of incorrect meter billing was 36 months. Furthermore, consistency would require that we use a 29 month period with a 29 month average, which would result in a LOWER refund than applicant was granted.

Applicant further contends that, for purposes of the calculation, the Commission improperly augmented her neighbor's bills by 20% to allow for any understatement of their bills. However, she fails to explain why this augmentation was an error. The Commission augmented those bills because it had no actual evidence, other than applicant's oral testimony, that the figures testified to were accurate. In summary, applicant's differences of opinion with the Commission's refund calculation do not

constitute legal error and therefore do not merit reopening the proceeding or reexamining the record.

Applicant also argues that reducing her refund by \$269.63 was improper. Prior to this proceeding, Edison had found that its meter was running approximately 3% fast and so it refunded \$69.63 to applicant. Applicant does not oppose deducting that \$69.63 from the \$1,080 refund granted her. However, she argues that the remaining \$200 should not have been deducted from the refund. We find merit to this claim. The record shows that the \$200 was never characterized as or intended to be a refund. Edison gave applicant the \$200 as a "credit for her inconvenience". Therefore, the Application for Rehearing is denied, except for amending the Decision to correct the reduction of applicant's refund award from \$269.63 to \$69.63, and we order Edison to reimburse applicant the \$200 in cash.

Therefore, good cause appearing,

IT IS ORDERED that the Application for Rehearing of D.94-12-023 of applicant Grace K. Ryshliski is granted for the sole purpose of amending the Decision to correct the reduction of applicant's refund award from \$269.63 to \$69.63, and Edison is ordered to reimburse applicant \$200 in cash. In all other respects the application is denied.

This order is effective today.

Dated November 8, 1995 at San Francisco, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners