

FEB 26 1996

Decision 96-02-056 February 23, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Chris A. Wallis, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 Southern California Edison, )  
 )  
 Defendant. )

(ECP)  
 Case 95-06-038  
 (Filed June 22, 1995)

**ORIGINAL**

Chris Wallis, for himself, complainant.  
Patricia Aldridge, Robert Angulo,  
Chester Johnson, for defendant.

O P I N I O N

Complainant Chris Wallis (Wallis) seeks reparations for alleged overcharges on his electric bills from 1992 through 1995. Defendant Southern California Edison Company (SCE) denies that Wallis was overcharged, and contends that his bills accurately reflect use registered on his electric meter during the period in question. The disputed amount is on deposit with the Commission.

An evidentiary hearing was conducted pursuant to our expedited complaint procedure on January 19, 1996. Complainant testified that he is a seasonal occupant of his home in Palm Springs, customarily leaving in May and returning in September. In his absence, his property is attended by a housekeeper, property manager, gardener, and pool serviceman, none of whom reside at the home.

The residence actually consists of a 2,500 square foot single-bedroom main house, 800 square foot two-bedroom guest house, and a small (300 square foot) pool house and cabana. All are equipped with air conditioning units, but Wallis testified that he

seldom uses any air conditioning because the buildings, which have thick masonry walls and tile roofs, remain comfortable during the temperate months when he is in residence. Based upon the representations of his service staff, none of the buildings are occupied during his periods of absence, and the air conditioning is unused. On the same basis, he testified that the pump motors for the pool are used minimally. Although he engaged an electrician to check for any source of tampering, energy diversion, or unauthorized use, the electrician found none that would account for inordinately high use. Wallis therefore was unable to advance any explanation for the relatively large electric bills he had received, which he testified were twice to three times higher than those of neighbors with 5,000 square foot homes.

In response to Wallis' complaints about the size of his electric bills, SCE tested Wallis' meter five times during the period in question. On each occasion the meter tested well within the 2 percent tolerance permitted under SCE's Rule 17. SCE's witnesses also testified that they observed no evidence of tampering or diversion, and that the appropriate residential rate, including an automatic power shift credit during the summer period, was applied in computing the bill. However, SCE's witnesses testified that the connected load was consistent with the recorded power use, if the pool motor and major appliances were in use during the billing periods in question.

The complainant has carried his burden of proof, as the Commission has articulated it in similar proceedings, through his testimony concerning those matters which are within his personal knowledge. However, SCE has rebutted Wallis' testimony by producing credible test results and billing computations. The complainant's testimony concerning those periods when he is absent from Palm Springs is based entirely upon hearsay, i.e., statements made to him by maintenance personnel who were not present at the hearing, upon which Wallis relies to prove the absence of electric

power usage. Under these circumstances, the weight of the evidence favors the defendant.

Both parties agree that there is no evidence of tampering or energy diversion, and the administrative law judge ascertained through additional questioning of the witnesses that the location of the drop and the meter are such that the occurrence of energy diversion on the customer side of the meter is highly unlikely. Although there does not appear to be a pattern of consistent geometrical doubling of the bills as Wallis contends, there were clearly months of unexplained high usage. We cannot speculate as to the cause of this high usage, but the evidence furnished by the complainant has not persuaded us that the fault lies with SCE.<sup>1</sup> Consequently, we cannot grant the relief which the complainant requests.

O R D E R

IT IS ORDERED that the relief requested in the complaint is denied, and the funds on deposit with the Commission shall be disbursed to the defendant to satisfy unpaid bills. Case 95-06-038 is closed.

This order is effective today.

Dated February 23, 1996, at San Francisco, California.

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

<sup>1</sup> During the course of the hearing, SCE's witnesses testified that SCE now has available a new infrared testing procedure to detect the source of losses. The parties were encouraged to utilize this new procedure to further investigate the cause of the high use, irrespective of the decision of the Commission herein.