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Decision 96-11-042 November 26, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Lorna Huard,)
)
 Complainant,)
)
 vs.)
)
 Southern California Edison)
 Company,)
)
 Defendant.)

ORIGINAL
 Case 95-07-032
 (Filed July 11, 1995)

David Davenport, for Lorna Huard,
 complainant.
Mariana Curry, Attorney at Law, Jeff
 Bolls, Larry Runner, and Wayne Friday,
 for Southern California Edison Company,
 defendant.

O P I N I O N

Background

Complainant Lorna Huard disputes the accuracy of her electric meter and the associated billings for electrical energy from defendant Southern California Edison Company (Edison), and requests a refund for overcharges plus interest for the life of the meter, which she estimates at \$49,000.

Edison responds that the meter was first tested at Huard's house on June 23, 1992, using a portable meter test unit. On July 6, 1992, Edison installed a second meter in series with Huard's meter to measure consumption on two meters. Finally, Huard's meter was removed and tested at Edison's meter shop on July 15, 1992. In all cases it was found to be operating within the allowable tolerances specified in its rules approved by the Commission.

Hearing

A duly noticed hearing was held in Lancaster on April 12, 1996, before an administrative law judge (ALJ).

Huard was represented by her brother-in-law, David Davenport.

Edison was represented by attorney Mariana Curry, and presented the testimony of Field Service Supervisor Jeff Bolls, Customer Advocate Review Manager Larry Runner, and Meter Test Person Wayne Friday.

The case was submitted upon receipt of the transcript on May 16, 1996.

Positions of Parties

Complainant

Davenport explained that Huard was very frustrated and upset with Edison's refusal to replace the meter. When it was finally replaced, her electrical consumption dropped to less than half the amount recorded on the old meter. Davenport argued that the three-year limit on refunds should not apply since Huard had asked to have the meter replaced for years, and the requests were ignored. The complainant's request was that Edison should refund half of her bills for the past 21 years, with interest, for a total refund of \$49,000. Davenport notes that the alleged overbilling was at the highest rate, i.e., above the baseline rate.

Huard had requested usage records for 11 neighbors, which were ordered provided by the ALJ, without identification of the customers. One neighbor had extremely low usage, which complainant suspects is the neighbor who is an Edison executive.

Defendant

Bolls testified that he had visited Huard's house several times before the meter was changed. On the first meter test occasion, June 23, 1992, Friday checked the meter's accuracy by using a meter accuracy verifier, which indicated that the meter was 0.4% fast under heavy load and 0.1% slow under light load, compared to the allowable accuracy of 2% either fast or slow.

Bolls also reviewed her appliance loads and determined that they are capable of consuming the amounts of electrical energy recorded. He believes that the air conditioning unit alone could consume those amounts. He advised Huard on steps she might take to reduce her consumption.

Regarding Huard's claim that the meter was running fast for 21 years, Bolls stated that a meter that is not recording accurately would not test accurate; it cannot correct itself. Nearly all malfunctions cause a meter to run slow, usually due to increased friction which sometimes stops a meter under low load conditions. He has never found the type of meter used at Huard's residence to register fast.

Additionally, Bolls performed a double meter test by installing another new meter in series with Huard's meter at her house. In this installation, the electricity must pass through both meters. After one week, the meters were read, with both meters registering the same usage, 469 kilowatt-hours (kWh).

Finally, on July 15, 1992, the meter was removed and replaced. Friday tested the meter at the meter shop and found it to be 0.4% slow under heavy load, and 0.7% slow under light load. The slight difference in test results between this and the June 23, 1992 test is likely due to exposing the meter to atmosphere and a truck ride from the house to the shop. However, both test results were well within allowable tolerances.

Discussion

Davenport presented comparisons of usage for the same months in years before and after the meter change. The usage after the meter change is indeed significantly lower than before, typically less than half the prior usage. Huard's air conditioner developed an unusual noise, causing her to shut it off and call a repair person, who inspected it in November 1992. He found it to be old and in poor condition and recommended that it be replaced. Huard did not replace it, but ceased to use it, which would account

for reduced summer usage afterwards. However, the fall, winter, and spring usages are also significantly lower with the new meter.

Davenport's testimony conveys the idea that Huard was severely troubled by the magnitude of bills that she had encountered, and that too great a portion of her resources were used for electricity.

As Bolls noted, the meter tests were run at her house to eliminate the claim that the meter was at fault, based on reduced subsequent consumption. Frequently when a meter is replaced, the customer reduces usage, and then may feel that the old meter was at fault. By installing the two meters in series before changing Huard's meter Edison validated beyond any reasonable doubt that the original meter was accurate, since both meters registered the same consumption. Edison believes that Huard changed her usage habits, due at least in part to the suggestions offered by Edison during its visits to her house.

Before the meter change, Huard used up to about 4000 kWh per month during the hottest part of summer and generally in the 1000 to 2000 kWh range in other months. After the meter change, summer usage ranged from a high of about 1300 kWh per month to a low of slightly over 500 kWh per month. This variation occurred despite no air conditioning use. Perhaps Huard operated fans in the hot season, which in part would account for the increased summer usage.

We can only conclude that Huard changed her consumption habits sufficiently to result in the significantly lower usage since the meter was changed. We also note that in the first month after the meter was changed the consumption was high at 2080 kWh. The months after the August bill were generally in the 1000 kWh range or lower.

If we look at the 11 neighbors' usage for comparison with Huard's usage before the meter change, we find some with much lower

usage, but some with usage in the same range, well over 2000 kWh per month in summer and around 1000 kWh per month in many other months.

The lowest usage of the 11 neighbors has a range of less than 700 kWh in summer to as low as less than 200 kWh in other months. Davenport suspects that this customer is an Edison executive; he has no basis for that suspicion, and it is irrelevant. The issue here is not the neighbors' usage, but whether Huard's meter was accurate during the period before the meter change.

The only significance of the 11 neighbors' usage is that it shows the broad range of consumption in the same neighborhood with the same or similar climatic conditions. Numbers of persons in the household and usage habits vary widely.

Considering that Huard's meter was first tested at her house, then tested with another meter in series, and finally tested at Edison's meter shop, with all tests accurate within allowable tolerances, we must conclude that the usage billed to Huard is accurate. There is no basis for us to conclude that she was overcharged or that the meter was inaccurate.

Findings of Fact

1. Complainant requests a \$49,000 refund for half of her electrical energy charges for the 21 years that the meter in question was in service.
2. The meter was tested three times with all tests indicating accuracy within the allowable tolerances approved by the Commission.
3. An inaccurate meter would not test accurately during meter tests.
4. A meter of the type installed at Huard's house has never been found by Edison's Field Service Supervisor to be registering fast beyond allowable tolerances.
5. Huard's appliance load is capable of the usages recorded and billed.

6. The usage habits of Huard's neighbors have no bearing on the accuracy of her metered usage and billings.

7. Huard reduced her consumption of electrical energy after the meter was changed.

Conclusions of Law

1. There is no basis to conclude that the electrical energy metered and billed to complainant by Edison was inaccurate.

2. The complaint should be denied.

O R D E R

IT IS ORDERED that:

1. The complaint of Lorna Huard against Southern California Edison Company is denied.

2. This proceeding is closed.

This order becomes effective 30 days from today.

Dated November 26, 1996, at San Francisco, California.

P. GREGORY CONLON
President

DANIEL Wm. FESSLER
JESSIE J. KNIGHT, JR.
JOSIAH L. NEEPER
Commissioners

Commissioner Henry M. Duque,
being necessarily absent, did not
participate.