

ALJ/RAB/sid

Decision 97-04-063 April 23, 1997

Mailed

APR 23 1997

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Jerry D. Young,

Complainant,

vs.

Southern California Edison Company, (U 338-E)

Defendant.

**ORIGINAL**

(ECP)

Case 97-01-023

(Filed January 21, 1997)

Jerry D. Young, for himself, complainant.  
Debby S. Dokter, for defendant.

**OPINION**

Defendant billed complainant for \$565.47 for energy costs and associated costs resulting from an alleged diversion of energy by complainant at his home. Complainant denies that he diverted energy and seeks to have the \$565.47 canceled. Public hearing was held February 28, 1997.

Complainant testified that he purchased his house in 1986 and the house included a spa in the backyard. He said he never diverted energy to the spa, and if it was done, it was done by the former owner. He said that the spa heater could not be made to function so he drained the water and never used the spa after 1992 or 1993. He cleans it to prevent damage and keep it from accumulating debris. After Southern California Edison Company (Edison) discovered the diversion, he gave the spa away.

Edison's witness testified that in response to a tip he investigated the meter at complainant's home and found tampering and electricity diversion. He said that a bypass for the Jacuzzi was connected ahead of the meter in the underground pull section of the meter panel. The bypass had been installed through the wall of the house and three holes drilled through the side of the underground pull section to allow

bypass to be installed. There was an external bypass disconnect switch mounted around the corner from the meter, about three feet away.

The bypass installation was electricity energized. The disconnect switch on the corner of the house was in the "on" position. A conduit (pipe) went down the wall below the switch and to the spa. The spa was found to be half full of clean water that smelled of chlorine. Chlorine chemical and a water testing kit were found sitting on top of the Jacuzzi control panel within the spa siding. The presence of the chlorine, testing kit, and the condition of the water indicated that the Jacuzzi was being used, in his opinion.

Edison states that its Rule 17.E.2.d., Adjustment of Bills for Unauthorized Use, allows Edison to bill for unauthorized use of energy based on the size of the equipment used and the hours of operation. Rule 17.E.3. also allows Edison to recover the associated costs which resulted from investigating the unauthorized use.

The \$565.47 for which complainant was billed is comprised of \$232.16 in energy costs and \$333.31 in associated costs. The energy costs are \$124.03 for energy for the most recent three years, and \$108.13 for energy costs greater than three years. The associated costs are for the labor and materials needed to remove the diversion and properly install the correct electrical equipment.

Complainant is responsible for the costs of correcting the illegal wiring on his property and, as it is clear that electricity had been used in the spa, the energy cost of \$124.03 for the most recent three years is reasonable. Complainant should pay \$333.31 plus \$124.03 for a total of \$457.34.

**O R D E R**

**IT IS ORDERED** that:

1. Complainant shall pay to defendant \$457.31.
2. The \$565.47 on deposit with the Commission shall be disbursed: \$457.34 to defendant; \$108.13 to complainant.
3. Case 97-01-023 is closed.

This order is effective today.

Dated April 23, 1997, at San Francisco, California.

**P. GREGORY CONLON**  
President

**JESSIE J. KNIGHT, JR.**

**HENRY M. DUQUE**

**JOSIAH L. NEEPER**

**RICHARD A. BILAS**

Commissioners