

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND  
COMPLIANCE DIVISION  
Energy Branch

RESOLUTION E-3235  
AUGUST 7, 1991

R E S O L U T I O N

RESOLUTION E-3235. SOUTHERN CALIFORNIA EDISON COMPANY  
REQUESTS COMMISSION TO TRANSFER A CUSTOMER BETWEEN RATE  
SCHEDULES.

BY ADVICE LETTER 906-E FILED ON MAY 31, 1991.

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SUMMARY

1. Southern California Edison Company (SCE) requests approval to transfer a customer, H&L Tooth Company (H&L), between rate schedules. SCE believes it necessary to obtain Commission approval of this transfer between Tariff Schedules as language in existing tariff under which H&L is presently being served, Tariff Schedule No. I-3 "General Service - Large", contains a requirement, Special Condition 10, of five years notice of discontinuance as one of the tariff provisions.
2. This Resolution grants the requests.

BACKGROUND

1. H&L is presently served under SCEC's Tariff Schedule No. I-3 "General Service - Large Interruptible" which contains the following language:

APPLICABILITY "Applicable to customers served under Schedule No. TOU-8, General Service-Large. Closed to new customers as of January 1, 1991. This schedule will expire on December 31, 1992." (Revised Cal. PUC Sheet No. 11540-E) and

SPECIAL CONDITIONS 10. Contracts: A contract is required for service under this Schedule. During the initial year of service the customer may terminate service under this schedule upon not less than 30 days written notice to the Company. After the initial year not less than five years written notice to modify or terminate service under this schedule will be required. However, customers on this schedule will be transferred to Schedule No. I-6 as of January 1, 1993. A customer may not obtain interruptible

(Underlining added for emphasis.)

service within three years following termination of interruptible service under this schedule. Customers permitted by the Company to change to this schedule from another interruptible rate schedule shall, without further action by the Company, retain the termination requirements, if any, of the prior schedule and any contract associated therewith. (Revised Cal. PUC Sheet No. 11543-E)

Tariff Schedule No. TOU-8 "Time-Of-Use - General Service - Large" contains the following language:

APPLICABILITY "Applicable to general service including lighting and power, except agricultural water pumping accounts as described in Special Condition No. 16. This schedule is mandatory for all customers whose monthly maximum demand exceeds 500 kW for any three months during the preceding 12 months, except that customers served on this schedule may elect service under any applicable optional schedules hereto. Customers with demands in excess of 4,000 kW for 9 of the preceding 12 months, who otherwise qualify, may elect interruptible service on Schedule No. I-5. Any existing customer on this schedule whose monthly maximum demand has registered below 450 kW for 12 consecutive months is ineligible for service under this schedule (See Special Condition No. 13). Service under this schedule is subject to meter availability. Revised Cal. PUC Sheet No. 12741-E), and

SPECIAL CONDITIONS 13. Removal From Schedule: Customers receiving service under this schedule whose monthly Maximum Demand has registered below 450 kW for 12 consecutive months shall be changed to Schedule No. TOU-GS effective with the date the customer became ineligible for service under this schedule. (Revised Cal. PUC Sheet No. 12748-E).

(Underlining added.)

NOTICE

1. Public notice of this filing has been made by publication in the Commission's Calendar on June 7, 1991, and by mailing copies of the Advice Letter to other utilities, interested parties and to the following government agencies: Arizona Public Service Commission, California Energy Commission, City of Anaheim, City of Azusa, City of Banning, City of Burbank, City of Colton, City of Glendale, City of Long Beach, City of Los Angeles, City of Pasadena, City of Riverside, City of Vernon, Imperial Irrigation District, Los Angeles County ISD Energy Management, and The Regents of the University of California.

PROTESTS

1. No protests to this Advice Letter have been received by Commission Advisory and Compliance Division (CACD).

DISCUSSION

1. H&L has discontinued manufacturing operations at this location. It is now only conducting warehousing operations of products manufactured at other locations. This change in operations by H&L has resulted in lower metered maximum demand and reduced energy sales.

2. The "APPLICABILITY" paragraph of Tariff Schedule I-3 states that all customers using this rate schedule must be those who would otherwise use Tariff Schedule TOU-8.

3. The "SPECIAL CONDITIONS 13." paragraph of Tariff Schedule TOU-8 states that any customer whose monthly Maximum Demand has registered below 450 kW for 12 consecutive months should be changed to Schedule TOU-GS effective with the end of the twelfth billing period.

4. In this filing SCE states that H&L has not met the energy demand requirements set forth in SPECIAL CONDITIONS 13 of Tariff Schedule TOU-8 for a period of time in excess of twelve months.

5. SCE did not remove H&L as a customer under Tariff Schedule I-3, believing that Special Condition 10 required under all circumstances five years written notice before a customer could drop off this schedule.

FINDINGS

1. Tariff Schedule No. I-3 states that it is applicable only to customers who would otherwise have been served under Tariff Schedule TOU-8.

2. Tariff Schedule No. TOU-8, Special Condition 13, mandates that customers whose Maximum Demand does not exceed 450 kW for twelve consecutive months shall be changed to Tariff Schedule No. TOU-GS.

3. The customer, H&L Tooth Company, has for more than twelve months not met the Maximum Demand requirements set forth in Special Condition 13 of Tariff Schedule TOU-8.

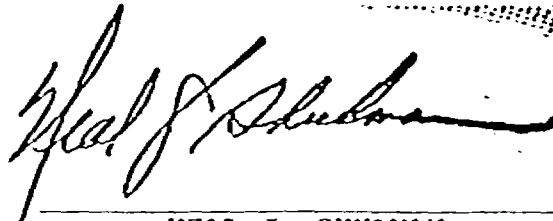
4. H&L Tooth Company was ineligible under Special Condition 13 to receive service using SCE's Tariff Schedule TOU-8. Eligibility to receive service under Tariff Schedule TOU-8 is a prerequisite listed in the Applicability Section of Tariff Schedule I-3.

5. H&L Tooth Company when it became ineligible to be served under TOU-8 also became ineligible to remain a customer of SCE under Tariff Schedule I-3.
6. SCE failed to adhere to its filed tariff rules by not shifting H&L Tooth Company to Tariff Schedule No. TOU-GS as required by Tariff Schedule TOU-8, when H&L Tooth Company became ineligible to continue as a customer under Tariff Schedule TOU-8.

THEREFORE, IT IS ORDERED that:

1. Southern California Edison Company is directed to Switch the Customer, H&L Tooth Company, from Tariff Schedule I-3 "General Service - Large - Interruptible" to Tariff Schedule No. TOU-GS in accordance with its filed tariffs.
2. Southern California Edison Company shall recompute the monthly charges, paid by H&L Tooth Company for service at this location and refund any charges which may have been inappropriate.
3. Advice Letter 906-E shall be marked to show that it was approved by Commission Resolution E-3235.
4. This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on August 7, 1991. The following Commissioners approved it:



NEAL J. SHULVAN  
Executive Director

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
NORMAN D. SHUMWAY  
Commissioners

Commissioner Daniel Wm. Fessler, being necessarily absent, did not participate.