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

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<p>James Ronald Howard,</p> <p style="text-align: center;">Complainant,</p> <p style="text-align: center;">vs.</p> <p>San Diego Gas & Electric Company (U902E),</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. C 09-12-003 (Filed December 7, 2009)</p>
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**VERIFIED ANSWER OF SAN DIEGO GAS & ELECTRIC COMPANY (U902E) TO
COMPLAINT OF JAMES RONALD HOWARD**

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January 22, 2010

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

<p>James Ronald Howard,</p> <p style="text-align: center;">Complainant,</p> <p style="text-align: center;">vs.</p> <p>San Diego Gas & Electric Company (U902E),</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. C 09-12-003 (Filed December 7, 2009)</p>
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**VERIFIED ANSWER OF SAN DIEGO GAS & ELECTRIC COMPANY (U902E) TO
COMPLAINT OF JAMES RONALD HOWARD**

In accordance with Rule 4.4 of the California Public Utilities Commission (the “Commission”) Rules of Practice and Procedure, San Diego Gas & Electric Company (SDG&E) hereby answers the formal complaint (Complaint) of James Ronald Howard (Complainant), filed with the Commission on December 7, 2009. Complainant argues that he has been improperly backbilled for unauthorized electricity usage via meter tampering. Complainant’s informal complaint regarding this same matter was correctly rejected by the Commission’s Consumer Affairs Branch on February 20, 2009, finding that SDG&E handled Complainant’s case in accordance with applicable law. Complainant reargues the same facts here in this formal complaint, and again fails to show SDG&E violated any tariff, law, order, or rule of the Commission. The Complaint fails to state a claim and does not meet the applicable burden of proof under Public Utilities Code Section 1702. Accordingly, the Complaint should be dismissed.

I. INTRODUCTION

A. QUESTION PRESENTED

The question presented in a meter tampering/unauthorized use case is whether a utility, here SDG&E, has violated any law, order, or rule of the Commission, as defined in Public Utilities Code Section 1702. Pub. Util. Code § 1702; *Texiera v. PG&E*, D. 99-12-062 (1999). “The burden of proof that [a utility] violation occurred falls upon [the] complainant.” *Texiera*, D. 99-12-062. Where, as here, the complainant cannot meet that burden, that case should be dismissed. *Id.*

B. STATEMENT OF FACTS

Complainant claims he is an electrical contractor. (Complaint (“Compl.”.) [REDACTED])

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] SDG&E Meter Revenue Protection Investigators Lydia Bentley and Eduardo Snow responded to the [REDACTED] request and went to Complainant’s property to investigate. (Compl.; Exhibit A ¶ 4; Exhibit B ¶ 4.)

Complainant’s property at 601 Crest Drive consisted of one large main house with an attached garage and at least one additional detached building that was apparently being used as a residence (a picture of which is attached as Exhibit A.4). (Exhibit A ¶ 5, 20; Exhibit B ¶ 5, 28.) A patio and pool with electric filtering equipment was located in the yard (pictures of which are attached as Exhibit B.1). (*Id.*)

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When Ms. Bentley and Mr. Snow arrived at Complainant's address, they observed several persons [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

After entering the Complainant's house, Ms. Bentley and Mr. Snow saw the unattached SDG&E meter (Meter 1756369) sitting on a dining room countertop (pictures of which is attached as Exhibit A.1). (Exhibit A ¶¶ 7, 8; Exhibit B ¶¶ 7, 8.) The meter was marked "San Diego G. & E. Co." (*Id.*) Ms. Bentley and Mr. Snow inspected this meter and found unusual wear on its "stabs" or meter connection points. (Exhibit A ¶ 8; Exhibit B ¶ 8.) They determined the wear on Meter 1756369 to be inconsistent with normal use and showed evidence of meter tampering. (Exhibit A ¶ 8, 16; Exhibit B ¶ 8.)

Ms. Bentley and Mr. Snow then went outside to inspect the SDG&E meter attached to the house at the property (Meter 990718), and discovered additional evidence of meter tampering and unauthorized electricity usage. (Exhibit A ¶¶ 9 - 17; Exhibit B ¶¶ 9 - 15.) They observed that the meter was crooked (as shown in pictures attached as Exhibit A.2). (Exhibit A ¶ 9; Exhibit B ¶ 9.) The "flimsy," a device used by SDG&E to secure the electric meter to the panel, was not sealed (as shown in pictures attached as Exhibit A.2). (Exhibit A ¶ 11; Exhibit B ¶ 11.) They observed that the meter socket was worn out and showed burn and scuff marks. (Exhibit A ¶ 15; Exhibit B ¶ 11.) The burn marks on the meter socket indicated that the meter was removed while power service was still on at the source, by someone who was not an SDG&E employee. (Exhibit A ¶ 15; Exhibit B ¶ 13.) The four stabs on the meter were also

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worn. (Exhibit A ¶ 14; Exhibit B ¶ 11.) In Ms. Bentley's and Mr. Snow's opinion, this evidence would not be present on a meter that has experienced normal usage, and instead indicated that Meter 990718 had been removed and replaced several times. (Exhibit A ¶¶ 14, 16; Exhibit B ¶ 12.) Based on these inspection findings, they determined that Meter 990718 had also experienced tampering. (Exhibit A ¶¶ 13 - 16; Exhibit B ¶¶ 11 - 15.) Because evidence of meter tampering and unauthorized electricity usage was present, Mr. Snow contacted an SDG&E "troubleman" to turn off power to the residence at the source. (Exhibit A ¶ 17; Exhibit B ¶ 15.)

Under questioning, Complainant said that he could not remember why Meter 1756369 was in his possession, but he thought it had been found at a job site. (Exhibit B ¶ 17.) When Ms. Bentley asked Complainant why his installed SDG&E meter (Meter 990718) was crooked, Complainant responded that he had replaced Meter 990718 with Meter 1756369 "about a year ago" [approximately August 2007] in order to change the main breaker at his residence. (Exhibit B ¶ 19.) Complainant stated that he then reinstalled Meter 990718, and may have reinstalled the meter crooked. (*Id.*) SDG&E records show that a crooked installation of Meter 990718 was not reported by an SDG&E meter reader on July 28, 2008, the last scheduled read prior to SDG&E's August 26, 2008 investigation. (Exhibit B ¶ 27.) Complainant stated he had only used Meter 1756369 on that one occasion. (Exhibit B ¶ 22.) The Complaint alleges the meter "was never connected to the house." (Compl.) Ms. Bentley asked Complainant's son, James Bradley Howard, why Meter 1756369 was in the house. (Exhibit B ¶ 23.) He said he could not remember. (Exhibit B ¶ 23.)

Upon further inspection of SDG&E records, Ms. Bentley determined that Meter 1756369 had registered 47,400 kWh of additional electricity usage since its last read. (Exhibit

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B ¶¶ 24, 25.) Because of the meter tampering evidence that was found at 601 Crest Drive, and because he was the customer of record at the address, Complainant was billed for the amount of actual unauthorized use registered on the meter - 47,400 kWh. (Exhibit B ¶¶ 25, 26.) Billing was calculated according to rates applicable at the 601 Crest Drive address during the billing period in which the usage was billed, totaling \$11,632.51. (Exhibit A ¶ 26; Compl..)

Complainant claims that he and his son were arrested at Mr. Snow's instruction. (Compl.) Mr. Snow avers he did not instruct ████████ agents to arrest Complainant and his son and has no authority to do so. (Exhibit A ¶ 18.) Complainant claims the District Attorney refused to file charges because there was "no evidence" that the meter in question was ever used by anyone at the residence. (Compl.) Complainant claims that he was "illegally billed" for unauthorized electricity use on the meter. (*Id.*) Complainant denies "ever stealing power" and claims he has never been charged with a crime. (*Id.*)

Complainant attached to the Complaint certain bill summaries in various amounts as purported evidence that it is "impossible" for him to use the amount of electricity for which he was billed. (Compl.) He claims that his monthly bill is between \$200 - \$400 depending on the time of year and whether he is traveling for work. (*Id.*) SDG&E's investigation showed that several more people were living in the large main house and detached living area than Complainant had listed as residents on his application for service (specifically, only Complainant and his son). (Exhibit A ¶¶ 19, 20; Exhibit B ¶ 28.) Several bedrooms appeared to be occupied and contained televisions and appliances, including air conditioning units and an electric space heater in the detached living area (a picture of which is attached as Exhibit A.4). (Exhibit A ¶¶ 19, 20; Exhibit B ¶ 28.) SDG&E also observed a "crystal clear" pool with no apparent signs of algae or debris in the water and electric pool filtering equipment (pictures of

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which are attached as Exhibit B.1) shown at settings that are capable of using an average of approximately 479 – 545 kWh per 29- to 33 day billing cycle. (Exhibit A, ¶ 21; Exhibit B, ¶¶ 29-30.)

SDG&E’s investigation showed that, at certain times, Complainant’s billing history reflected metered consumption that was just at or below the expected calculated cost of just the pool filtering. (Exhibit B ¶ 31; Exhibit B, Table 1.) Complainant’s billing history also shows irregular and inconsistent fluctuations in month-to-month and year-to-year usage, as further shown in Exhibit B, Table 1. (Exhibit B ¶ 31, 32; Exhibit B, Table 1.)

Complainant also attached to the Complaint a purported statement from someone named Matthew Fialkosky saying that he found Meter 1756369 on a job site and gave it to “Brad Howard.” (*Id.*) SDG&E understands “Brad Howard” to be Complainant’s son, James Bradley Howard, who was present and questioned during the August 26, 2008, investigation. (*See* Exhibit A ¶ 6; Exhibit B ¶¶ 6, 23.) At that time, James Bradley Howard stated he could not remember where they had gotten the unauthorized meter. (Exhibit B ¶ 23.) Complainant has also attached a purported statement from “Bradley Howard,” saying that he received the meter from Matthew Fialkosky, tried calling SDG&E about it, put the meter in an office cabinet and forgot about it being there. (*Id.*)

As stated in the Complaint, Complainant is currently residing at 269 Woodland Drive, Vista, CA. (Compl.) Records show that Complainant is the tenant and owner of the property. (Exhibit B ¶ 35.) Complainant did not notify SDG&E of his change of account or provide a forwarding address for final billing. (Exhibit B ¶ 33.) [REDACTED]

II. **SDG&E RESPONSE TO ALLEGATIONS OF COMPLAINANT**

A. **Complainant has not and cannot show any SDG&E wrongdoing.**

The Complaint should be dismissed because Complainant has failed to, and cannot, meet his burden to prove or even claim that SDG&E acted in violation of the applicable tariffs, codes, regulations, or service agreement. Section 1702 of the California Public Utilities Code requires that a complaint “[set] forth any act or thing done or omitted to be done by any public utility, including any rule or charge heretofore established or fixed by or for any public utility, in violation or claimed to be in violation, of any provision of law or of any order or rule of the Commission.” The Complainant has failed to demonstrate that SDG&E has not at all times complied with the Public Utilities Code and with SDG&E's rules and tariffs on file with and approved by the Commission. Moreover, the facts show that SDG&E acted appropriately and in accordance with the law, public policy, and Commission rules and directives.

The law allows that, when SDG&E determines there has been meter tampering and/or unauthorized electricity use, SDG&E shall bill for the estimated unauthorized energy usage and collect 10% annual interest on the estimated amount. SDG&E Tariff Rule 18(d). The definition of unauthorized energy use “includes, but is not limited to, meter tampering unauthorized connection or reconnection, theft, fraud, intentional or unintentional use of electricity whereby the Utility is denied full compensation for service provided.” (*Id.*) Tariff Rule 18(d) allows SDG&E to “bill and collect the associated costs resulting from the unauthorized use including, but not limited to, investigative, repair and equipment damage costs.”

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There is a rebuttable presumption that a person has violated the law if a meter that has been altered or tampered with is found on premises controlled by the customer. Cal. Civ. Code § 1883. “Tampering means to rearrange, injure, alter, interfere with, or otherwise to prevent [utility property] from performing normal or customary function.” Cal. Civ. Code §§ 1882(c). California law allows a utility to recover *treble damages* in a civil action against any person who commits, authorizes, solicits, aids, abets, or attempts meter tampering, electricity diversion, or unauthorized utility meter connection. Cal. Civ. Code §§ 1882 *et seq.*

Here, SDG&E found clear and overwhelming evidence of meter tampering and unauthorized electricity usage at Complainant’s residence, under the following facts:

- SDG&E was informed [REDACTED] of [REDACTED] discovery of an unattached SDG&E meter (Meter 1756369) at Complainant’s property, and was asked to investigate;
- Upon inspection, SDG&E observed abnormal wear and scuffs on the stabs of Meter 1756369, indicating the meter had been installed and removed several times;
- Upon inspection of Complainant’s installed meter, Meter 990718, and the meter socket at Complainant’s residence, SDG&E observed that
 - The seal that attaches to the meter’s flimsy was missing, inconsistent with SDG&E practice – which was the first red flag to investigators that the meter had been tampered with;
 - The meter installation was crooked, inconsistent with SDG&E practice – another indication of meter tampering;

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- Upon further inspection, the meter socket was worn and showed signs of scuff and excessive wear marks, consistent with a meter that had been removed and replaced several times (while SDG&E records show authorized removal and replacement of Meter 990718 only four times);
- The meter socket also showed signs of burn and wear marks consistent with a meter that had been removed while the power was still on at the source, which is inconsistent with SDG&E practice and safety procedures and also demonstrates meter tampering;
- Upon questioning, Complainant admitted to using Meter 1756369 “to change the main breaker” and then reinstalled Meter 990718;¹
- Meter 1756369, found in Complainant’s possession, registered 47,400 kWh of unauthorized electricity use.

In accordance with SDG&E’s determinations of meter tampering and unauthorized usage under these facts, Rule 18(d) authorizes SDG&E to bill the benefactor – here, the Complainant – for the estimated energy usage. Longstanding Commission policy holds that “[i]t is . . . reasonable to assume that the person engaging in meter tampering is **the user of service, who generally pays the bills.**” *Pechner v. PG&E*, D. 99-11-018. Thus, Complainant was correctly billed as the benefactor of the actual unauthorized usage read, as the property owner in possession of meter tampering evidence and the SDG&E customer of record. While utilities are usually forced by circumstances to bill for unauthorized usage in accordance with a reasonable estimate (*see, e.g., Teixeira*), here, SDG&E was able to bill based on an *actual* read

¹ In the attached Exhibit A, Ms. Bentley explains that using another meter to change a main breaker serves no practical purpose and is unsafe. (Exhibit A ¶ 20.)

of the unauthorized usage - 47,400 kWh, registered on Meter 1756369. The Complaint does not allege that SDG&E's read of Meter 1756369 was incorrect.

Complainant's main argument is that SDG&E cannot prove that he "stole power"; however, it is well settled that the burden of proof here is on the Complainant – to show (as Complainant cannot) some wrongdoing on the part of SDG&E. *See Teixeira; Pechner v. PG&E*, D.99-11-018 (1999); *In re Retroactive Billing*, D.86-06-035; 21 CPUC 2d 270 (1986). SDG&E has no burden to prove Complainant is the one who tampered with the meters or socket found on Complainant's property, and the Commission will not address such an inquiry, as the Commission has clearly stated:

Determining the identity and intentions of the person who performed the tampering or diversion is not pertinent to our proceedings and is an act which we have neither the resources nor desire to perform. In addition, we have no special competence to deal with the questions of guilt, innocence, or intent that are associated with allegations of tampering by the customer. Our only concern is that a customer who has received energy should pay what the applicable tariffs prescribe for that energy.

In re Retroactive Billing Decision, D. 86-06-035; 21 CPUC 2d 270 (1986) (emphasis added); *see also Pechner*, D.99-11-018 ("it is not necessary to determine who actually engaged in the tampering"); *Schoux*, D.95-09-091 ("[W]e are not concerned with [tamperer identification] issues."). Here, SDG&E correctly backbilled in accordance with reasonable determinations based on evidence of meter tampering and unauthorized usage and in accordance with an actual read of the "unattached" Meter 1756369, found in Complainant's possession. Complainant does not and cannot plausibly claim otherwise.

Complainant alleges that the District Attorney refused to file charges against him. However, a District Attorney's failure to prosecute does not help Complainant meet his burden of proof, as the Commission has similarly recognized in prior cases. The Commission has

recognized that proving the mere fact that no criminal charges have been filed, as Complainant claims here, will have no bearing on a complainant's burden of proof in a meter tampering case:

[T]he complainant has the burden of proving that it did not receive unmetered energy or did not tamper with the meter. Although we believe that our utilities have been diligent in pursuing prosecution of energy theft cases in the criminal justice system, **district attorneys are sometimes reluctant or unable to prosecute these cases.** It is also possible that some of the meter tampering cases that come before the Commission are those in which the evidence or the facts are ambiguous so that **successful prosecution in the criminal courts, with their more stringent burden of proof, is unlikely.** (We recognize, of course, that the sanctions of the criminal courts are vastly different from those of the Commission.)

Interim Opinion re Investigation into Retroactive Billing Practices, D.85-09-010; 19 CPUC 2d 2 (1985) (emphasis added). Complainant's claims in this regard offer no proof of any SDG&E wrongdoing, and do not help Complainant meet his burden.

Complainant claims that it was "impossible" for him to use the amount of power for which he was billed. But Complainant's generalized assertions do not advance the ball in meeting his burden of proof. *See Teixeira*, D.99-12-062 (proof of unreasonable backbilling "must be established by more than mere disclaimers or generalizations of the complainant"). Complainant was billed according to an *actual read* of the SDG&E meter found in his possession, not a calculated estimate. And Complainant's billing was calculated according to rates applicable at his 601 Crest Drive address during the billing period in which the usage was billed. SDG&E did not apply penalties, fees, or interest to Complainant's bill – as SDG&E could have under the law. Complainant has simply not shown that SDG&E billed in violation of any provision of the applicable laws and tariffs – as a complainant must under Section 1702.

Pub. Utils. Code § 1702; *see also Teixeira*, D.99-12-062 (finding that large back bill estimates based on actual reads over time were not unreasonable).

B. SDG&E has provided additional evidence of Complainant’s irregular electricity usage.

SDG&E is under no burden to prove whether the unauthorized usage read on the unattached Meter 1756369 found in Complainant’s possession was “possible.” *See In re Retroactive Billing*, D.86-06-035 (“The complainant (customer), then, has the burden of proof to establish that the backbill is unfounded and incorrect”). The Commission has stated: “An estimated backbill must be rationally based upon known facts, but **perfection is not required**; the estimate must simply be reasonable in light of the facts.” *Teixeira*, D.99-12-062 (emphasis added). Here, the evidence of tampering and the meter read speaks for itself. Nonetheless, SDG&E affirmatively presents additional evidence showing irregular electricity usage on Complainant’s installed Meter 990718 – above and beyond all other evidence of meter tampering at Complainant’s property. Specifically, the attached Exhibit B, Table 1, shows Complainant’s inconsistent month-to-month and year-to-year actual billing history.

While most homes experience gradual seasonal increases and decreases in electricity usage, Complainant’s account, in contrast, shows irregular fluctuations in usage from month-to-month and year-to-year. (Exhibit B ¶¶ 31, 32; Exhibit B Table 1.) For example,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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SDG&E's investigation showed that several more people were living in the large main house and detached living area than Complainant had listed as residents on his application for service (specifically, only Complainant and his son). Several bedrooms appeared to be occupied and contained televisions and appliances, including air conditioning units and an electric space heater in the detached living area. SDG&E also observed a "crystal clear" pool with no apparent signs of algae or debris in the water and electric pool filtering equipment shown at settings that are capable of using an average of approximately 479 – 545 kWh per 29- to 33 day billing cycle. This usage is more than that shown in certain of Complainant's actual billing periods.

Finally, SDG&E has presented evidence showing that an electrical contractor, as the Complainant claims to be, could have several uses on the job for an uninstalled electric meter such as the one that was found in Complainant's possession. (Exhibit B ¶¶ 17, 18.) If a job site does not have authorized electricity service, a contractor could use a meter to test installations at the job site. (*Id.*) A contractor could use an unauthorized meter or jumpers in their meter sockets to test their equipment without establishing service with the utility, in order to reduce cost and to save time on job schedules. (*Id.*)

III. CONCLUSION

It is well-established that the Complainant bears the burden of proof in a Complaint case of this nature. Pub. Utils. Code § 1702; *Texiera v. PG&E*, D. 99-12-062. Here, Complainant has not met his burden. Section 1702 of the California Public Utilities Code requires that the Complaint "[set] forth any act or thing done or omitted to be done by any public utility, including any rule or charge heretofore established or fixed by or for any public utility, in violation or claimed to be in violation, of any provision of law or of any order or rule

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of the Commission.” The Complainant has failed to show that SDG&E has not at all times complied with the Public Utilities Code and with SDG&E's rules and tariffs on file with and approved by the Commission.

Complainant has failed to state a claim upon which relief can be granted, since SDG&E has, at all times, acted in accordance with Commission Rules and Decisions with respect to its customer billing practices. SDG&E denies each and every material allegation in the Complaint, except as expressly admitted herein. SDG&E affirmatively alleges that the Complainant's account has been billed correctly, based upon information provided by the Complainant and discovered in SDG&E's investigation, and according to SDG&E's tariffs on file with and approved by the Commission at all times material herein.

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WHEREFORE, because the Complaint is without merit, San Diego Gas and Electric respectfully requests that the Commission dismiss the Complaint of James R. Howard and deny all requested relief.

Dated at San Diego, California, this 22nd day of January, 2010.

Respectfully submitted,

SAN DIEGO GAS AND ELECTRIC COMPANY

By: /s/ Laura M. Earl
Laura M. Earl

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

<p>James Ronald Howard, Complainant, vs. San Diego Gas & Electric Company (U902E), Defendant.</p>	<p>Case No. C 09-12-003 (Filed December 7, 2009)</p>
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EXHIBIT A

Affidavit of Eduardo Snow

[Redacted]

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

<p>James Ronald Howard, Complainant, vs. San Diego Gas & Electric Company (U902E), Defendant.</p>	<p>Case No. C 09-12-003 (Filed December 7, 2009)</p>
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Exhibit A.1

[Redacted]

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

<p>James Ronald Howard, Complainant, vs. San Diego Gas & Electric Company (U902E), Defendant.</p>	<p>Case No. C 09-12-003 (Filed December 7, 2009)</p>
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Exhibit A.2

[Redacted]

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

<p>James Ronald Howard, Complainant, vs. San Diego Gas & Electric Company (U902E), Defendant.</p>	<p>Case No. C 09-12-003 (Filed December 7, 2009)</p>
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Exhibit A.3

[Redacted]

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

<p>James Ronald Howard, Complainant, vs. San Diego Gas & Electric Company (U902E), Defendant.</p>	<p>Case No. C 09-12-003 (Filed December 7, 2009)</p>
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Exhibit A.4

[Redacted]

**BEFORE THE PUBLIC UTILITIES COMMISSION
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<p>James Ronald Howard,</p> <p style="text-align: right;">Complainant,</p> <p style="text-align: center;">vs.</p> <p>San Diego Gas & Electric Company (U902E),</p> <p style="text-align: right;">Defendant.</p>	<p>Case No. C 09-12-003 (Filed December 7, 2009)</p>
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EXHIBIT B

Affidavit of Lydia Bentley

[Redacted]

**BEFORE THE PUBLIC UTILITIES COMMISSION
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<p>James Ronald Howard,</p> <p style="text-align: right;">Complainant,</p> <p style="text-align: center;">vs.</p> <p>San Diego Gas & Electric Company (U902E),</p> <p style="text-align: right;">Defendant.</p>	<p>Case No. C 09-12-003 (Filed December 7, 2009)</p>
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Exhibit B.1

[Redacted]

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VERIFICATION

I am an officer of San Diego Gas and Electric Company, the Defendant herein, and am authorized to make this verification on Defendant's behalf. The statements in the foregoing answer are true and accurate to the best of my knowledge, except as to those matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 22, 2010, at San Diego, California.

By: /s/ Michelle M. Mueller
Michelle M. Mueller

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CERTIFICATE OF SERVICE

I hereby certify that a copy of **VERIFIED ANSWER OF SAN DIEGO GAS & ELECTRIC COMPANY (U902E) TO COMPLAINT OF JAMES RONALD HOWARD PUBLIC VERSION** has been electronically mailed to each party of record of the service list in C.09-12-003. Any party on the service list who has not provided an electronic mail address was served by placing copies in properly addressed and sealed envelopes and by depositing such envelopes in the United States Mail with first-class postage prepaid.

Executed this 22nd Day of January, 2010 at San Diego, California.

 /s/ JENIFER E. NICOLA
Jenifer E. Nicola



California Public
Utilities Commission

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