



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

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Eva Gabos,)
)
 Complainant(s),)
 vs.)
)
 Southern California Edison Company (U 338-E),)
)
 Defendant.)
)

ECP. C.16-08-004
(Filed August 10, 2016)

SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E)
ANSWER TO COMPLAINT

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Dated: September 1, 2016

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Eva Gabos,)	
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Complainant(s),)	
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vs.)	ECP. C.16-08-004
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**SOUTHERN CALIFORNIA EDISON COMPANY’S (U 338-E)
ANSWER TO COMPLAINT**

I.

INTRODUCTION

Pursuant to Rule 4.4 of the California Public Utilities Commission’s (CPUC’s or Commission’s) Rules of Practice and Procedure, Southern California Edison Company (SCE) respectfully submits this Answer to the Complaint of Eva Gabos (Complainant).

The subject of this Complaint originated as three Informal Complaints filed with the Commission on April 13, 2016, June 29, 2016, and July 20, 2016.¹ SCE provided a response to the first Informal Complaint on April 28, 2016, and a response to the second and third on July 21, 2016. Complainant then filed an Expedited Formal Complaint on August 10, 2016. All the Complaints arise out of the same operative facts and assert the same claims.

Complainant states that her account has been continuously overcharged. Complainant claims her bills should be less compared to her neighbor who has nine occupants in her house as opposed to two in the Complainant’s house. Complainant has completed and provided an on-line

¹ CPUC File Nos. 386806, 395357, and 397357.

calculation tool that estimates a monthly bill based on the national average, presumably of kWhs and price per kWh, as proof that her account was being over billed.

II.

SUMMARY

According to SCE's records, Complainant Eva Gabos has been the customer of record at 38729 Rancho Vista Drive in Beaumont, California from November 2, 2015 to December 31, 2015; at 1628 Big Sky Drive in Beaumont from January 4, 2016 to March 2, 2016; and at 1564 Big Sky Drive in Beaumont as of February, 24 2016.² SCE's records do show Complainant has contacted SCE on several occasions via telephone in order to dispute the high bills at all three addresses. At each address SCE responded to Complainant's concern by reviewing her interval usage data for the period in question and subsequently testing the meters on November 14, 2014, at 38729 Rancho Vista Drive in Beaumont and July 14, 2016 at 1564 Big Sky Drive in Beaumont.³ The meter tests were performed in Complainant's presence and the meters were found to be registering within Commission-approved guidelines for accuracy.⁴

It is SCE's obligation to ensure that the SCE meters installed at a customer's property are functioning normally and accurately registering consumption. However, prior Commission decisions have held that SCE cannot be responsible for identifying the individual item(s) at a

² The customer of record is the person in whose name service is rendered, as defined in SCE's Rule 1, "Customer" definition.

³ Meter Number 222010-167381 and Meter Number 222010-911372.

⁴ SCE Rule 17 C.1., *Adjustment of Bills for Meter Error*, provides that, "[i]f a meter is found to be registering more than 2% fast, SCE will refund to the customer the amount of the overcharge based on corrected meter readings or SCE's estimate of the energy usage either for the known period of meter error or, if the period of error is not known, for the period during which the meter was in use. Refunds for fast meters cannot exceed three years."

residence that could account for the consumption registered on a meter.⁵ In accordance with SCE's Tariff Rule 9.A.1., *Metered Service*, and Rules 17.B and 17.C.1. *Meter Tests* and *Fast Meter*, respectively, SCE has verified that the usage recorded on the meters at Complainant's properties were accurate and that Complainant was billed properly based on that usage.

Complainant has not requested a specific relief. SCE contacted the Complainant to discuss and determine the potential relief requested. However, the Complainant was not clear on what she wanted and her conversation covered various topics such as air conditioner repair issues, gas leaks, and Mello-Roos payments. Since SCE has complied with all applicable rules, laws, and tariffs, and the Complainant has not provided specific billing details (e.g., billing dates, inaccurate meter readings, overcharges) in which SCE can investigate and review for legitimacy and/or correction, SCE asks that the Commission dismiss this Complaint.

III.

ANSWER TO COMPLAINT

SCE incorporates by reference the affirmative statements made in SCE's Summary above. SCE responds to the specific allegations of the Complaint as follows:

A. Answering Section (F) of the Formal Complaint form:⁶

a) **Answering Paragraph 1.** SCE admits to have billed Complainant for usage recorded from August 5, 2011 to November 2, 2015 at 38729 Rancho Vista in Beaumont when the service

⁵ In Decision 92577 dated January 6, 1981, the Commission found that if a meter is tested and proved to be accurate within acceptable limits, a presumption exists that the customer, in one way or another, used the energy as shown on the meter; and that it would not be wise or a practical policy to require the utility to prove, through whatever devices, that a customer actually did or did not use the energy registered on the meter.

⁶ "Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation)." For Section (F), Complainant stated: "Attached in back." Therefore, SCE notes that all references herein to Section (F) pertain to the attachment to the Expedited Formal Complaint form.

was in the Complainant's husband's name. SCE further admits to have billed the Complainant when she switched the account to her name from November 2, 2015 to December 31, 2015 at the same address. SCE further admits to have billed the Complainant for usage recorded at the address 1628 Big Sky in Beaumont from January 4, 2016 to March 2, 2016 when the service was in the Complainant's name, and at the address of 1564 Big Sky in Beaumont from February 24, 2016. SCE has responded to Complainant's inquiry at each instance by reviewing the usage and testing the meter on November 14, 2014 at 38729 Rancho Vista, Beaumont and on July 14, 2016 at 1564 Big Sky, Beaumont. In both instances, the meters were tested in the Complainant's presence and found to be registering within Commission-approved guidelines for accuracy. Any other allegation requiring a response contained in Paragraph 1 that is not addressed elsewhere in this Answer is denied.

b) **Answering Paragraph 2.** SCE denies that it did not address Complainant's concerns each time she contacted SCE. SCE avers on November 4, 2014, it had sent a service crew to her 38729 Rancho Vista address regarding her concerns about the lock on the transformer that was in her front yard. SCE's service crew verified that its equipment was secure and the lock was fine. On March 3, 2016, SCE had received a request to install a lock ring and such installation was completed on March 4, 2016. SCE denies however that it sent a technician without a badge to the Complainant's address, or that any SCE employee would not have proper identification. SCE also denies that any money was "stolen" from the Complainant or that it "wrongfully" tried to obtain its money. Any other allegation requiring a response contained in Paragraph 2 that is not addressed elsewhere in this Answer is denied.

All other allegations requiring a response contained in Section (F) of and the attachment to the Expedited Formal Complaint form that are not addressed elsewhere in this Answer are denied.

B. Answering Section (G)(4) of the Formal Complaint form:⁷

To the extent that Section (G)(4) contains any allegation requiring a response that is not addressed elsewhere in this Answer, any such allegation is denied.

C. Answering Section (H) of the Formal Complaint form:⁸

SCE declares that it has complied with all applicable laws and tariffs in all actions with respect to Complainants' account and, therefore, Complainants' request for relief should be denied in full. Any other allegations requiring a response contained in Section (H) of the Formal Complaint Form that are not addressed elsewhere in this Answer are denied.

IV.

AFFIRMATIVE DEFENSES

FIRST, SEPARATE AND AFFIRMATIVE DEFENSE

Affirmative Allegations

SCE re-alleges and incorporates herein each affirmative allegation set forth above.

SECOND, SEPARATE AND AFFIRMATIVE DEFENSE

Failure to State a Cause of Action

Complainant fail to state facts sufficient to constitute a cause of action for relief against SCE.

THIRD, SEPARATE AND AFFIRMATIVE DEFENSE

Compliance with all Applicable Tariffs, Rules, Regulations and Laws

Complainant are barred from recovery because SCE complied with all applicable rules, laws, regulations, and tariffs and all applicable general service rate schedules.

⁷ "The issues to be considered are (Example: The utility should refund the overbilled amount of \$78.00)." Complainant states "Continuous Overchargetment."

⁸ "Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)." Complainant states "N/A."

FOURTH, SEPARATE AND AFFIRMATIVE DEFENSE

Proximate Intervening Cause

If Complainant suffered any injury as alleged in the Complaint, which SCE specifically disputes and denies, the intervening and superseding actions and/or inactions of Complainant themselves or some other person or entity other than SCE proximately caused such injury in whole or in part.

FIFTH, SEPARATE AND AFFIRMATIVE DEFENSE

Failure to Mitigate

Complainant failed to mitigate their injury, if any.

SIXTH, SEPARATE AND AFFIRMATIVE DEFENSE

Contrary to Public Policy

Granting Complainants' requested relief would be contrary to public policy, as it would result in unequal treatment of SCE's customers by conferring on Complainant a benefit not available to other ratepayers.

WHEREFORE, SCE prays:

1. That the Complaint be dismissed with prejudice; and
2. For such other relief as the Commission may deem just and equitable.

Respectfully submitted,

/s/ Prabha Cadambi

By: Prabha Cadambi

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September 1, 2016

VERIFICATION

I am an officer of the applicant corporation herein, and am authorized to make this verification on its behalf. I am informed and believe that the matters stated in **SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) ANSWER TO COMPLAINT** are true.

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

Executed this day of September 1, 2016, at Rosemead, California.

/s/ Caroline Choi

Caroline Choi
Senior Vice President, Regulatory Affairs
SOUTHERN CALIFORNIA EDISON COMPANY

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