



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

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

ECP. C.16-09-008
(Filed September 12, 2016)

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

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Dated: October 10, 2016

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STATE OF CALIFORNIA**

| | | |
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| Frankie Brown, |) | |
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**SOUTHERN CALIFORNIA EDISON COMPANY’S (U 338-E)
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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 Frankie Brown (Complainant).

The subject of this Complaint originated as an Informal Complaint filed with the Commission on August 2, 2016.¹ SCE provided a response to the Informal Complaint on August 11, 2016. Complainant then filed an Expedited Formal Complaint on September 12, 2016. All the Complaints arise out of the same operative facts and assert the same claims.

Complainant states that she² is not responsible for the closing bill that was transferred to her current account for the service rendered at 1220 Avenue J5, Lancaster. Complainant also

¹ CPUC File No. 398871.

² Due to the indistinct name of “Frankie,” SCE is apologetic and unsure if Frankie is a female or male. For simplicity sake, SCE will refer to Frankie as a female throughout this Complaint.

states someone must have used her information to open an SCE account at the Lancaster address and that she never benefited from the use of the electricity at this address.

II.

SUMMARY

Complainant denies responsibility for the closing bill in the amount of \$696.87 that SCE subsequently transferred and applied to Complainant's current and active account at 43449 Fleetwood Drive in Lancaster where Complainant has been the customer of record since January 29, 2016.³ The disputed amount for electric charges incurred is the closing bill from 1220 East Avenue J5, Lancaster (Avenue J5).

By way of explanation, the first transfer of this closing bill was on April 9, 2016. SCE transferred the \$696.87 closing bill to Darlene Ware at 43753 Veronique in Lancaster. Darlene Ware was the customer of record at Avenue J5 and was also a customer of record at the Veronique address. Consistent with policy, SCE transferred the bill from Darlene Ware's closed account to her active service account for payment.

On May 10, 2016, Darlene Ware disputed the transfer of the closing bill from Avenue J5 to her current address claiming that she did not live at or give permission to anyone to use her name for electric service at the Avenue J5 address. Darlene Ware provided documentation as proof that she did not reside at Avenue J5, the disputed address.⁴ The information supplied provides evidence that she may not have resided full time at the Avenue J5 address as of March 2011, but electric service was established in Darlene Ware's name at Avenue J5 as of January

³ The customer of record is the person in whose name service is rendered, as defined in SCE's Rule 1, "Customer" definition.

⁴ SCE received a move-in check list for the address of 1530 Avenue K8, Apt 66 in Lancaster dated March 29, 2011. In addition, a document from In-Home Support Services letter dated February 10, 2016, for the address 43753 Veronique, Lancaster.

2009 and remained in her name until service was turned off February 8, 2016. Furthermore, SCE has records of payments made by Darlene Ware for the Avenue J5 address from January 2009 to February 2016. As such, for all intents and purposes Darlene Ware is the responsible party for the electric bills at Avenue J5 from January 2, 2009 until February 8, 2016, unless there were additional occupants at the residence during this time. If this is the case, the additional occupants would also be responsible for the electric bill regardless if their name is on the account.⁵

Following is a table listing the dates and addresses where Darlene Ware has requested electric service from SCE in her name.

| Name | Dates | Address |
|--------------|-------------------|---|
| Darlene Ware | 1/2/9 to 2/8/16 | 1220 Avenue J5, Lancaster |
| Darlene Ware | 5/3/11 to 2/11/14 | 1530 W Avenue K8, Apartment 66, Lancaster |
| Darlene Ware | 2/7/14 to 7/19/16 | 43753 Veronique, Lancaster |

Based on the documentation provided by Darlene Ware, on June 1, 2016 SCE subsequently transferred the \$696.87 closing bill to the account of Complainant Frankie Brown at 43449 Fleetwood Drive in Lancaster. The closing bill was transferred to the Fleetwood address because there were several relational and financial connections made to this address. One correlation was public record places Complainant at Avenue J5 during August 2011 through March 2016 - a portion of the time frame in question. Another commonality was the Fleetwood address was given as the forwarding address when the Avenue J5's electricity was requested to be turned off on February 8, 2016. Another correlation involves the telephone number used by

⁵ See SCE's Rule 3.D.

the person requesting to turn off the electricity service at Avenue J5 - according to public record, the telephone number was registered to Ailene (Ware) Brown and Frankie Brown.⁶ In addition, the Complainant made a payment for the electric service at the Avenue J5 address in 2013. This leads SCE to construe there is an association of the Complainant's responsibility and use of electricity at the Avenue J5 address.

The public record utilized by SCE is Accurint. Accurint is a skip tracing tool utilized by SCE to determine the responsible party or parties for outstanding electric bills.⁷ Based on the information obtained from Accurint, Complainant Frankie Brown and Ailene Ware-Brown were identified as responsible parties for the closing bill at Avenue J5.

On June 13, 2016, SCE received a letter from the Complainant disputing the transfer of the closing bill claiming that she never lived at the Avenue J5 address. Complainant provided a copy of a bank statement dated April 20, 2016 to May 18, 2016, medical records, unofficial transcript from a school (no name) dated November 2015, an illegible copy believed to be that of a California Identification or Driver's License, and a copy of a tax record filed in 2014 - all have the mailing address of 752 Whitlatch in Lancaster, and were provided as proof that the Complainant was not living at Avenue J5.

SCE reviewed the documents and found them not to be sufficient proof that the Complainant had not resided at Avenue J5. For example, the bank statement did not cover the time frame associated with Avenue J5 account (e.g., January 2009 to February 2016).

⁶ Presumably, Darlene Ware and Aileen Ware-Brown are Complainant's grandmother and mother, respectively.

⁷ LexisNexius® Accurint® is a direct connection to over 45 billion current public records. It is a tool that can detect fraud, verify identities, and conduct investigations. In addition, it provides previous and current addresses associated with an individual, telephone number, date of birth, age, and partial social security number - first five digits only.

As mentioned above, (1) SCE's payment record shows that the Complainant had made a bill payment for Avenue J5 through the *same* bank account that was provided as proof, (2) public record places the Complainant at Avenue J5, and (3) the phone number on the turn-off order for Avenue J5 was registered to Ailene Ware-Brown and Frankie Brown. In addition, SCE verified with external sources that Ailene Ware-Brown and Frankie Brown were indeed residents at Avenue J5. SCE also verified with external sources that Ailene Ware-Brown and Frankie Brown are residents presently at the Fleetwood address. Since a direct correlation exists between the two electric accounts, albeit it may be coincidental, the transferred closing bill from Avenue J5 continues to be associated with the Complainant's active service account and remains due and payable.

On October 4, 2016, in an effort to obtain additional information to resolve this Complaint, SCE contacted the Complainant and requested a copy of the rental agreement for her current address to verify dates of when service began. Complainant disconnected the call in response.

In accordance with SCE's Commission-approved Rule 3.D, SCE has determined that Complainant is jointly and severally liable for the outstanding past due balance for service at 1220 Avenue J5, Lancaster. SCE's Rule 3.D states:

Individual Liability for Joint Service. Where two or more persons join in one application or contract for electric service they shall be jointly and severally liable thereunder and shall be billed by a single periodic bill mailed to the person designated on the application to receive the bill. Whether or not SCE obtained a joint application, where two or more persons occupy the same premises, they shall be jointly and severally liable for bills for electric energy supplied. (Emphasis added.)

Since SCE has complied with all applicable rules, laws, and tariffs, and the Complainant has not provided sufficient proof of residency at an address other than Avenue J5 during the 2009 through 2016 time frame (e.g., rental agreement, utility bills) in which SCE can investigate and review for legitimacy, 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:⁸

a) **Answering Paragraph 1.** SCE admits to have transferred the closing bill incurred at 1220 Avenue J5, Lancaster to Complainant's current account. SCE further admits this transfer was initiated based on verification from SCE's skip tracing research that places the Complainant and Ailene Ware-Brown at this location. In addition, SCE has a record of payment made by the Complainant at Avenue J5 in 2013, so although the Complainant states she did not benefit from the use of electricity at this address, Complainant felt led to pay for the electricity. SCE also has verified with external sources that the Complainant and Ailene Ware-Brown were the residents at Avenue J5 from January 2, 2009 to February 8, 2016. SCE confirms receipt of all the documents noted in paragraph bearing the mailing address of 752 Whitlatch, Lancaster. However, SCE finds the information insufficient to remove the disputed charges from the account. Finally, SCE does not have sufficient information to confirm or deny the statement that the Complainant's information was misused and an account was opened in her name in error. SCE has noticed that this claim was also mentioned when trying to collect for the closing bill from Darlene Ware.

⁸ "Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation)."

All other allegations requiring a response contained in Section (F) of 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:⁹

SCE admits that it did transfer the closing bill in the amount of \$696.87 for usage incurred at Avenue J5 to Complainant's current address of 43449 Fleetwood Drive, Lancaster. This transfer was done once SCE had established via its skip tracing process, notwithstanding several other implicating pieces of information that the Complainant and Ailene Ware-Brown were residing or had resided at Avenue J5.

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:¹⁰

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.

⁹ "The issues to be considered are (Example: The utility should refund the overbilled amount of \$78.00)."

¹⁰ "Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)."

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

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.

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

SOUTHERN CALIFORNIA EDISON COMPANY

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Telephone: (626) 302-8177

Facsimile: (626) 302-2990

October 10, 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 October 10, 2016, at Rosemead, California.

/s/ Caroline Choi

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

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