

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Larry B. Hawkins,

Complainant ,

vs.

Southern California Edison Company (U338E),

Defendant .

(ECP)
Case 12-05-013
(Filed May 11, 2012)

Larry B. Hawkins, for himself, Complainant
Prabha Cadambi and Vanessa Kirkwood for Southern
California Edison Company, Defendant

DECISION DENYING RELIEF

1. Summary

Complainant, Larry B. Hawkins, contends that Defendant, Southern California Edison Company (SCE), has wrongfully held him responsible for the diversion and unauthorized use of electricity and improperly billed him \$2,155.40 for energy use and Service Investigation Charges. He seeks a refund of \$400.00 and to have the charges reversed. SCE contends that the meter that serves Mr. Hawkins' residence had been manually tampered with resulting in reduced electricity charges. The evidence presented during this proceeding supports SCE's contention that the meter had been tampered with resulting in the unauthorized use of electricity. Complainant has failed demonstrate that

SCE has violated any applicable rule, law or tariff of the Commission. The Complainant's request for relief is denied and the case is dismissed.

2. Procedural History

Mr. Hawkins' home is located in Littlerock, California near Palmdale. The initial hearing in this matter was held on June 15, 2012. Mr. Hawkins requested to attend via phone due to health related limitations on his travel. At the June 15 hearing Southern California Edison Company (SCE) was instructed by the assigned Administrative Law Judge (ALJ) to provide certain additional evidence and photographs to Mr. Hawkins. A second hearing was set for August 16, 2012. Mr. Hawkins, again, attended the second hearing via phone. SCE's representatives were present at both hearings.

3. Complainant's Contention

At the hearings Mr. Hawkins contended his electricity bill was low because his meter was only "on" five days a month. He asserted that he shut the meter off "at the pole". He further asserted that no one lived in his home from December 1, 2008 to August 1, 2011 and that there was no electrical usage during that period. He acknowledged that there was a hole in the glass on the meter attached to his home. He claimed that the hole was in the "nine o'clock" position and was probably caused by a "bb or pellet gun" and that he had not tampered with or altered the meter. Mr. Hawkins claimed that his daughter's ex-boyfriend made it look like he was tampering with the meter by inserting a short piece of wire in the existing hole on the meter¹. Mr. Hawkins asserts that the ex-boyfriend got Mr. Hawkins' daughter to call SCE and report "a problem with

¹ Hawkins Complaint, Exhibit F.

the meter.” This was, allegedly, retaliation for a dispute between the ex-boyfriend and Mr. Hawkins over money for bail.² Mr. Hawkins claims he was “set up.” He contends that SCE should return or credit the \$400.00 he has already sent to them and rescind the charge of \$2,155.40 for the unauthorized use of electricity.

4. Defendant’s Contention

SCE states that it initiated an investigation into possible tampering with Mr. Hawkins’ meter as a result of a tip from Michelle Hawkins, who identified herself as Mr. Hawkins’ daughter.³ SCE contends that electric service at the residence had been established under the name Larry Hawkins on October 7, 1988. SCE states that it conducted a field investigation at Mr. Hawkins’ home and found a hole “drilled” in the “six o’clock” position on the meter’s glass with a wire inserted into the hole. SCE contends that the wire was inserted all the way through the hole and was in contact with the rotating disk inside the meter. SCE asserts that this resulted in a slower rotation of the meter’s disk resulting in a reduced recording of electricity usage. SCE states that on June 13, 2011 the damaged meter (307-172679) was replaced with a new meter (E302-160226). SCE indicates that its Field Investigator spoke to Mr. Hawkins, at his home, and informed him that his account would be billed for unauthorized use of electricity.

SCE states that it re-billed Mr. Hawkins’ account for the period from April 3, 2009 to June 13, 2011. SCE indicates that it used Mr. Hawkins’ historical

² Hawkins Complaint, Exhibit F.

³ SCE Answer to Complaint at 3.

usage from March 4, 2008 to March 5, 2009 as a baseline.⁴ SCE asserts that its Commission-approved tariff, Rule 17, allows it to bill a customer for the unauthorized use of electricity. Citing Commission Decision (D.) 86-06-035, SCE asserts that Mr. Hawkins' claim that someone else tampered with his meter is irrelevant. It is SCE's position that whether the customer or someone else actually performed the tampering or diversion does not affect the outcome at all; the customer is responsible for paying the value of any unmetered energy, regardless of whether the metering discrepancy resulted from tampering by the customer (or) tampering by a stranger.⁵ SCE contends that it has complied with all applicable rules, laws and tariffs and requests that the Mr. Hawkins' request for relief be denied.

5. Discussion

At the June 15 hearing SCE presented photographs of the meter located on the Complainant's home. The photographs clearly showed the meter attached to Mr. Hawkins' home with a wire protruding from a hole located in the six o'clock position. There were also close-up photos of the hole in the meter as well as photos of the meter disk. The photographs had not been provided to Mr. Hawkins. The assigned ALJ ordered SCE to provide copies of the photos to Mr. Hawkins and a second hearing was scheduled for August 16. The photographs were provided to Mr. Hawkins as attachment G to SCE's Supplement to the Answer to Complaint, dated June 29, 2012. At the August 16 hearing SCE again produced the photographs as well as the actual meter

⁴ *Id.* at 3-4.

⁵ SCE Answer to Complaint at 4-5 citing D.86-06-035.

(308-172679) that had been attached to Mr. Hawkins' home. There was clearly a hole located in the six o'clock position in the meter glass. The hole was uniform and appeared to have been drilled, not the result of a "bb" or pellet striking the meter glass. The meter disk appeared pitted and scratched consistent with the damage that would be caused by a foreign object, such as a wire, rubbing against it.

The testimony as well as the written, photographic and physical evidence all support SCE's contention that the meter on Mr. Hawkins' home had been tampered with. SCE records indicate that electric service at the residence was in the Complainant's name and had been since late 1988. SCE's Commission-approved Tariff 17 allows it to bill a customer for the unauthorized use of electricity at their residence. This policy is supported by the Commission's decision in D.86-06-035. Complainant has failed to demonstrate that he should not be held responsible for the unauthorized use of electricity at his residence; nor has he demonstrated that SCE violated any applicable rule, law or tariff in billing him for the unauthorized use of electricity at that residence. The Complainant's request for relief is denied and the case is dismissed.

Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and W. Anthony Colbert is the assigned ALJ in this proceeding.

O R D E R

IT IS ORDERED that:

1. The Complainant's request for relief is denied.
2. The case is dismissed.

3. Case 12-05-013 is closed.

This order is effective today.

Dated _____, at San Francisco, California.