

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mark Joseph,

Complainant,

vs.

Southern California Edison Company (U338E),

Defendant.

(ECP)
Case 12-10-005
(Filed October 11, 2012)

Mark Joseph, for himself, Complainant
Prabha Cadambi and Kari Gardner for
Southern California Edison Company, Defendant

DECISION DENYING RELIEF

1. Summary

Complainant, Mark Joseph, requests that Defendant, Southern California Edison Company (SCE), be required to refund him all money paid for charges incurred by him at his place of business in a multi-unit office complex. He requests that the refund go back to 2003. SCE contends that its Commission approved tariff, Rule 17, limits the back billing period for the adjustment of bills to three years. SCE has already adjusted the Complainant’s bill and refunded him charges for the past three years. SCE denies that the Complainant is entitled to any additional refund. Complainant has failed to 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. Complainant's Contention

Complainant, Mark Joseph, states that he moved into Unit 8 of a multi-unit office complex in May of 2003. He established service under his name with Defendant, Southern California Edison Company (SCE). He states that in 2007, 2009, and 2011 he complained to SCE that he thought his electricity bills were too high. He indicated that SCE came out to check his meter and each time told him that it was working properly. Earlier this year, Complainant stated there was a postal mix-up with his payment to SCE and the check was returned. In March of this year, SCE sent out a field representative to disconnect his electricity service for non-payment. When the service for Unit 8 was disconnected, the power for another unit went out. The Complainant's service was unaffected. It was later determined that there was cross-wiring in the meters that served the office complex. The meter that was marked Unit 8 served another unit. Unit 8 was served by the meter marked Unit 12, which also served the landlord's unit (Unit 4).

Complainant had been paying the electricity bill for his neighbor's unit while his landlord in Unit 4 had been paying his bill. Complainant asserts that he now owes his landlord for nine years worth of payments. He contends that SCE was negligent in not discovering the problem during its 2007, 2009, and 2011 inspections of the meter. He acknowledges that SCE has refunded his last three years of payments but asserts that SCE's refund of bills only back to 2009 is inadequate. He contends that he should receive a refund of payments back to 2003.

3. Defendant's Contention

SCE does not dispute the Complainant's facts or timeline of events. SCE states that after the 2007 meter inspection it told the Complainant that his meter

was working properly but that a possible source of his high bills could be a “foreign load” on the meter. SCE contends that it told the Complainant that it was not responsible for wiring the meters to the office complex and that if he had concerns he should check the wiring or hire an electrician. SCE states that the Complainant responded “that was not his job.” SCE states that after it discovered the meters were cross wired, it sent out a field investigator in April of this year. SCE also states that its field investigator discovered that the units at the office complex had been re-numbered since the meter panel was originally installed and that the Complainant should have applied for service for the meter marked Unit 12, which served his unit. SCE contends that the individual unit numbers had been changed by the property management company.

SCE states that it advised the Complainant that it was not responsible for billing errors caused by the mismarked unit meters. It refused Complainant’s request to be reimbursed for all charges from May 2003 to March 2012. SCE states that after further discussion it agreed to refund the Complainant for the past three years of charges (\$3,813.88). SCE asserts that pursuant to its Commission approved tariff, Rule 16, it is not responsible for how meters are wired on the customer’s side. SCE contends that, pursuant to the tariff, the customer and property owner are responsible for labeling meter positions or sockets in multi-unit buildings. SCE states that under Rule 17.F of its tariff, it was not obligated to refund any charges to the Complainant but if it chose to do so it could only go back three years. SCE contends that it told the Complainant any reimbursement beyond the three-year limitation was a civil matter between the Complainant, the customer for the Unit 8 meter (who actually used the electricity) and/or the property owner. SCE argues that it has fully complied

with the terms of its Commission approved tariffs and that the Complainant's request for relief should be denied.

4. Discussion

SCE has accurately stated and applied the applicable Commission approved tariffs in this matter. At the hearing SCE produced contemporaneous notes from its 2007 field visit and conversation with the Complainant. The notes indicated that the Complainant was advised that the problem with his high electricity usage could be caused by a foreign load on his meter. Complainant was informed that he could check the wiring or hire an electrician. SCE's notes indicate that the Complainant responded that it was not his job to check the wiring. If the wiring had been checked in 2007 the problem with the meters could have been identified, addressed, and mitigated at that time. SCE's Commission approved tariffs allow for up to three years of recovery in re-billing matters. The Complainant has been advised by SCE and the assigned Administrative Law Judge that any further recovery of funds should be pursued in a civil proceeding.

The testimony, evidence and applicable tariffs all support SCE's contention that it acted properly in this matter. Complainant has not demonstrated SCE violated any applicable rule, law or tariff in refunding Complainant the past three years of charges and refusing any additional refunds back to May of 2003. 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 Administrative Law Judge in this proceeding.

O R D E R

IT IS ORDERED that:

1. Complainant, Mark Joseph's request for relief is denied.
2. The case is dismissed.
3. Case 12-10-005 is closed.

This order is effective today.

Dated _____, at San Francisco, California.