

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Winnie Mok,

Complainant,

vs.

Southern California Edison Company (U338E),

Defendant.

(ECP)

Case 13-04-007
(Filed April 10, 2013)

DECISION DISMISSING COMPLAINT

Summary

On April 10, 2013, Winnie Mok (Complainant) filed a complaint against Southern California Edison Company (SCE). Complainant alleges that SCE overbilled her for the May 2012 billing period, and seeks a refund in the amount of \$574.05. For the reasons set forth below, today’s decision dismisses the complaint without prejudice.

This complaint was filed on April 10, 2013.¹ Complainant asserts that SCE overcharged her for electricity consumed between May 9, 2012 and June 8, 2012 at 229 Genoa Street, in Arcadia, California. Specifically, Complainant argues that while no aspect of her electricity use changed between this and other billing

¹ This action originated as an informal complaint which was filed on July 25, 2013. SCE provided a response to the informal complaint on August 31, 2012.

periods, at \$614.05, her May 2012 bill was more than 10 times higher than in prior periods.²

SCE answered the complaint on May 16, 2013. In its Answer SCE notes that: 1) when contacted by Complainant it reviewed the interval data for the May 2012 billing period and determined that usage did register on Complainant's meter, and 2) it conducted a field visit on August 14, 2012 and found that the meter tested within Commission approved guidelines for accuracy.³ In addition, SCE asserts that when discussing the issue Complainant stated that she noticed construction going on at a home near her property during the time period of the disputed bill and thought that her neighbor might be using her electricity without her authorization.⁴ Though it is required to provide accurate meter reads and maintain power lines, SCE argues that the type of unauthorized electricity use alleged by Complainant is a civil and/or criminal matter between the Complainant and her neighbor that does not relieve Complainant of her obligation to pay SCE for electricity consumption tracked by the meter.⁵

² On claims that her bill is usually about \$40.00 Complainant seeks a \$574.05 refund (\$40.00 - \$614.05 = \$574.05).

³ Among other things, SCE Tariff Rule 17C.1 provides for a refund to the customer if a meter is found to be registering more than 2% above actual usage.

⁴ Complainant offers no explanation as to how the unauthorized use alleged was perpetrated. In order for Complainant to be billed for another's energy usage the energy would either have to be taken from a location on Complainant's property after the meter box (via a wire or extension cord), or the thief would have to switch meters with Complainant - use the energy - then switch meters back again, between the regular meter reads.

⁵ While several issues are presented in this proceeding (such as whether the unauthorized use of electricity is a civil or criminal matter, and whether the energy at

Footnote continued on next page

A hearing was convened on August 7, 2013. No facts were found to be in dispute, so discussions at the hearing centered on Complainant's allegations of unauthorized use of her electricity. Complainant stated that construction was being done across the street at 232 Genoa to add a unit to the lot during the time period at issue and SCE representatives acknowledged that the use of power tools for such construction could cause an increase in electricity demand and result in an electricity bill as high as Complainant's. After directing SCE to provide a document showing energy usage for the property Complainant identified as having done construction during the time at issue (232 Genoa Street), Administrative Law Judge (ALJ) Darwin E. Farrar adjourned the hearing. SCE provided confidential documents showing the energy consumption at 232 Genoa and other residences near Complainant's residence.⁶

While none of the neighboring properties showed a significant change in power usage (such as Complainant's), which we might expect with major construction, the confidential usage data cannot wholly validate Complainant's claim. Due to its inherent limitations the data can neither confirm that construction occurred during the relevant period nor prove that power used for any such construction was not offset by lower power use in other areas during the relevant time period (such as might occur where the property is vacated for the duration of the construction). Equally problematic is the fact that Complainant effectively asks us to shift responsibility for the energy usage from

issue was used by and useful to Complainant), few are appropriate for disposition at this junction.

⁶ After reviewing usage data for 232 Genoa, ALJ Farrar requested usage data for the residences on each side of Complainant's property.

her to another entity (or customer) that was not a party to this proceeding and over whom our jurisdiction is limited. Rather than extend this proceeding and attempt to bring in additional parties, we believe it most proper and expedient to deny the requested relief and dismiss this case.

Today's dismissal does not decide the merits of the complaint. Instead, this decision sets forth our factual determinations so as to provide Complainant the opportunity to present her case in a court with clear jurisdiction over the essential parties.⁷ Today's dismissal is also without prejudice. If necessary, armed with a favorable and final judgment from a court of competent jurisdiction, Complainant may reappear before the Commission and attempt to obtain a refund from SCE for that portion of the judgment determined to have been wrongly paid to SCE.⁸

Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and Darwin E. Farrar is the assigned ALJ in this proceeding.

O R D E R

IT IS ORDERED that:

1. Complaint 13-04-007 is dismissed without prejudice.

⁷ In the event that SCE is not a party to a subsequent non-Commission proceeding brought by Complainant, it is expected to comply with any lawful subpoena issued in said proceeding.

⁸ Provided Complainant diligently attempts to but does not obtain said refund from any other party and SCE is afforded the opportunity (via assignment of judgment or some other mechanism) to collect any amount wrongly billed to Complainant from the party adjudged responsible for the energy consumption at issue here.

2. Case 13-04-007 is closed.

This order is effective today.

Dated _____, at San Francisco, California.