

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ed Vander Woude,

Complainant,

vs.

Southern California Edison Company (U338E),

Defendant.

(ECP)

Case 13-09-008

(Filed September 17, 2013)

Ed Vander Woude, for himself, Complainant.Prabha Cadambi and Vanessa Kirkwood for Southern
California Edison Company, Defendant.**DECISION GRANTING RELIEF IN PART AND OTHERWISE
DENYING COMPLAINT****1. Summary**

Complainant, Ed Vander Woude, requests that the Defendant, Southern California Edison Company (SCE), be required to refund him for overbilling of his account. Complainant asserts that SCE used the incorrect usage baseline for his all-electric home. Mr. Vander Woude also asserts that SCE staff has lied throughout this process and that Commission staff have also lied and failed to provide adequate assistance in his dealings with SCE. He requests the following: 1) A refund of the excessive charges back to 1994; 2) A large fine on SCE for lying and; 3) That Commission staff be punished for their refusal to follow the Commission's own rules and procedures, as well as for their lack of honesty and failure to be helpful. SCE has acknowledged that the Complainant's

electricity usage was being charged under an incorrect baseline. SCE has adjusted the Complainant's bills and refunded him charges for the past three years. These rebills have resulted in a credit, to Mr. Vander Woude, of \$3,802.32. SCE asserts that it is only obligated to adjust Complainant's past bills back to a maximum of three years and denies that the Complainant is entitled to any additional refund. We have determined that the Complainant is entitled to an additional two months of bill adjustments and credits. Aside from this additional adjustment and credit, the Complainant has failed to demonstrate that SCE has violated any applicable rule, law or tariff of the Commission or that SCE and/or Commission staff acted improperly in this matter. The Complainant's request for additional relief is denied and the case is closed.

2. Complainant's Contention

Complainant resides in San Jacinto, California. He has lived in his current home since 1994. The home was previously occupied by his wife's parents. The home is all-electric.

In February of this year, Mr. Vander Woude contacted SCE about his January bill which he contended was excessive. He asserts that SCE told him that his bill was correct. He contacted SCE again in March stating that his bill was incorrect.

Mr. Vander Woude contends that he told SCE that his water line had been broken for over two weeks and that he could not use his water heater, washer and other appliances. He also contends that he told SCE that his home was all-electric and the baseline charge was incorrect. In April 2013, SCE sent out a representative and confirmed that Complainant's home was all-electric. Mr. Vander Woude acknowledges that his baseline electric usage was changed and that his bills were adjusted going back three years.

Mr. Vander Woude contends that throughout this process SCE staff were difficult to deal with and were repeatedly and deliberately provided inaccurate and incorrect information. He asserts that SCE was aware or should have been aware that his home was all-electric and that it is their obligation to adjust his bill back to 1994 and provide a refund. The Complainant also contends that Commission staff failed to hold SCE accountable for its violations and were complicit in SCE's actions. In addition to a refund, Mr. Vander Woude contends that SCE should be fined and Commission staff should be punished for their actions in this matter.

3. Defendant's Contention

SCE does not dispute the Complainant's facts or time line of events. SCE contends that after the Complainant's inquiries in February and March of 2013 it sent out a field representative to confirm that his primary source of heat was electric and that in fact his entire home was electric. SCE states that once it confirmed that Mr. Vander Woude's home was all-electric, it took the following actions: 1) Rebilling the Complainant's account with an all-electric baseline allocation for the previous three years based on the April 5, 2013 verification date; 2) Rebilling the Complainant's January through February usage with a revised daily average usage; and 3) Rebilling the Complainant's usage from February 14 to February 20 to 50 percent of his revised daily usage. These actions resulted in a credit to Mr. Vander Woude of \$3,802.32.¹

SCE asserts that it has correctly rebilled Complainant's account with the revised baseline allocation in conformance with its Commission approved Tariff

¹ SCE Answer to Complaint at 3.

Rule 17.D. SCE contends that Tariff Rule 17.D. requires it to issue refunds for billing errors but that the refund cannot exceed three years.² SCE states that it has no record that the Complainant indicated his home was all-electric prior to February/March 2013. SCE asserts that, pursuant to its Tariff Rule 3.C., it was the Complainant's obligation to inform SCE that his home was all-electric and that, pursuant to Tariff Rule 12.B., absent such notification SCE had no obligation or responsibility to advise Mr. Vander Woude lower rates might be available.³ SCE contends that the Complainant is not entitled to any additional refund. SCE also contends that its employees did not lie to or mislead the Complainant and that a fine, damages and/or reparations are not warranted.⁴ In short, 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

For the most part, SCE has accurately stated and applied the applicable Commission-approved tariffs in this matter. SCE's Commission approved tariffs provide that the Complainant can receive a refund for billing errors but that the refund cannot exceed three years. SCE has provided three years of credit to the Complainant. There is no material evidence that SCE and/or Commission staff engaged in any willful misconduct or had any intent to lie to or mislead the Complainant.

² *Id.*

³ SCE Answer to Complaint at 4

⁴ *Id.*

Mr. Vander Woude is understandably upset and frustrated by this situation. He has clearly not been paying the applicable rate/tariff for his all-electric home for a significant period of time. SCE has admitted that Mr. Vander Woude complained about his electric rate in early February 2013 but that it did not confirm his home was all-electric until April 2013; at which point SCE recalculated his bill and provided him credit for his overpayments. We will award Mr. Vander Woude an additional two months of credit from SCE going back to February 2013, when he first reported the suspected billing errors to SCE. We are precluded from granting an adjustment of more than three years of credit to the Complainant. We have determined that a fine against SCE for the alleged misconduct of its staff in this matter is unwarranted as is disciplinary action against Commission staff.

The testimony, evidence and applicable tariffs all support SCE's contention that, for the most part, 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 1994. Pursuant to SCE's, Commission approved, Tariff Rule 17.D. refunds for billing errors cannot exceed three years. With the exception of an additional two months of billing credits retroactive to February 2013, the Complainant's request for relief is denied and the case is closed.

Assignment of Proceeding

Carla J. Peterman 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. Southern California Edison Company will provide the Complainant an additional two months of credit based on his home's revised baseline electric allocation.

2. All other requests for relief are denied.

3. Case 13-09-008 is closed.

This order is effective today.

Dated _____, at San Francisco, California.