

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Peter Hall,

Complainant,

vs.

Southern California Edison Company
(U338E),

Defendant.

(ECP)

Case 13-10-012

(Filed October 30, 2013)

Peter Hall, for himself, Complainant

Prabha Cadambi, Representative for Southern California Edison Company, Defendant

Vanessa Kirkwood, Representative for Southern California Edison Company

DECISION DENYING RELIEF

1. Summary

This decision denies Peter Hall’s (Hall) expedited complaint, which sought a \$1,500 refund for charges on his utility bill from February 2012 to February 2013. Hall alleges that Southern California Edison Company (SCE) overbilled him for electricity usage. Specifically, Hall claims that SCE did not properly allocate credit he should have received from his solar generating facility because of faulty meters.

Based on the lack of evidence presented in this proceeding, Hall failed to meet his burden of proof by not showing that the meters inaccurately registered his electricity usage and generation. Hall failed to show that the original analog meter and the new SmartConnect meter inaccurately registered his solar system's energy generation and his energy consumption. The original analog meter and the new SmartConnect meter, both of which were Net Energy Metering compatible, registered within acceptable California Public Utilities Commission guidelines. Hall's energy consumption after SCE installed the SmartConnect meter remained consistent with usage prior to the meters and the solar system's installation.

2. Factual Background

Peter Hall (Hall) resides in the Bakersfield area. His property is a single utility residence with electricity supplied by Southern California Edison Company (SCE). SCE is an investor-owned utility providing electricity service under the jurisdiction of the California Public Utilities Commission (Commission). Hall filed an informal complaint against SCE, but the parties were unable to resolve the complaint through the informal process. On October 30, 2013, Hall filed an Expedited Complaint to appeal the decision. The hearing was held on December 20, 2013.

Hall contracted with Solar City to install a solar system on his property in California. In his complaint, Hall asserts that Solar City assured him that the system would decrease his electric bills, if installed properly. During the hearing and in his complaint, Hall stated he installed a 9.4 kilowatt-hour (kWh) system. As evidenced by Hall and SCE's signed Interconnection Agreement provided by

SCE, this was a 7.94 kilowatt (kW) system.¹ SCE granted permission to interconnect and operate Complainant's solar system on January 1, 2012.

In February 2012, SCE installed an analog meter that was Net Energy Metering (NEM) compatible. Beginning in September 2012, Hall alleges he contacted SCE to resolve why his electricity bills were higher than expected. Hall asserted that SCE was inaccurately crediting the energy his solar system generated and that his meter was not NEM compatible.

In response, SCE explains that it tested Hall's meter on September 26, 2012. SCE found that the meter's base was damaged, but that this did not affect the meter's ability to register generation. In fact, the meter registered within acceptable Commission approved guidelines. SCE replaced the damaged meter with a non-NEM compatible meter for the period of September 26, 2012 to October 3, 2012. For this five-day interim period, SCE re-billed and credited Hall \$56.55 based on actual subsequent excess generation from October 3, 2012 to October 31, 2012. On October 3, 2012, SCE replaced the non-compatible meter with a new SmartConnect meter. This meter was tested on February 22, 2013 and April 24, 2013. In both instances, Hall was present. These tests showed that the new meter was working within Commission guidelines.

Furthermore, the billing statements that SCE provided to Hall and the Administrative Law Judge (ALJ) Katherine Kwan MacDonald on January 9, 2014, show that Hall's daily and monthly electricity usage remained consistent with prior usage during the periods in dispute.² For instance, the May 2011, 2012, and 2013 statements indicate a usage of, 416 and 696 kWh, respectively.

¹ The size of a system does not affect the measurement of energy used or generated.

² The statement includes billing periods from May 1, 2011 through January 2, 2014.

In April 2012, bill usage showed 713 kWh and usage of 867 kWh in April 2013. This demonstrates that Hall's net energy use remained consistent after the SmartConnect meter replaced the analog meter and after the SmartConnect meter had been tested twice.

3. Discussion

Where a customer disputes the accuracy of a bill, the burden of proof rests on the customer to show that the billing was improper. The Commission reiterated this controlling principle in numerous billing complaint cases, and the standard is well summarized in *Kent vs. SCE, 2000 Cal. PUC*

LEXIS 185:

When a customer complains that a utility has overbilled for electricity, the burden of proof rests on the complainant to show that the billing was improper. (*Placid N.V. v. Southern California Edison Company* (1993), 48 CPUC2d 425, 427 (1993).) The customer must show that he or she could not possibly have used the amount of energy in dispute. (*Leonard J. Grant v. SoCal Gas Co.*, D.92577, mimeo., p. 6 (1981).) If the meter is tested and found to be accurate within acceptable tolerances, no source of loss is discovered in the system, and the customer's potential demand exceeds the amount of usage in dispute, a presumption exists that the customer has used the energy shown the meter. (*Id.*) Unless the complainant rebuts this presumption with substantial evidence that he was billed for the disputed energy due to a cause within the utility's control, the complainant cannot prevail. As the Commission observed, we can share his perplexity, but we cannot share his view that it is impossible to consume the amount of energy indicated on his bill. (*Id.*, p. 7.)

The presumption that the customer has used the energy shown by the meter is established when: (1) the meter is tested and found to be accurate within acceptable tolerances, (2) no source of loss is discovered in the system, and (3) the customer's potential demand exceeds the amount of usage in dispute.

Here, Hall failed to rebut this presumption. Hall's meters tested within Commission guidelines, no source of loss was discovered, and Hall's energy demand was consistent between 2011 (prior to the installation of the solar system) and 2013 (after the installation of the "properly programmed meter," as Hall asserts). Hall did not demonstrate that either the original analog meter or the new SmartConnect meter inadequately registered his usage or generation. Rather, the original meter, which was NEM compatible was registered within Commission guidelines. SCE confirmed this when it tested the meter on September 26, 2012, with Hall present. Furthermore, during the interim period in which SCE installed a non-NEM compliant meter (September 26, 2012, and used until October 3, 2012,) SCE properly credited Hall. Also, the new SmartConnect meter SCE installed on October 3, 2012, registered within the CPUC guidelines for accuracy and was tested in Hall's presence on February 22, 2013, and April 24, 2013. Lastly, Hall's energy consumption since SCE installed the SmartConnect meter remained consistent with usage during billing periods prior to those in dispute. This further demonstrates that the meters installed accurately measured Hall's energy consumption. Hall did not presented evidence to rebut the presumption that he consumed the energy billed. Therefore, Hall failed to meet his burden of proof by showing SCE's billing was improper.

4. Assignment of Proceeding

Carla J. Peterman is the assigned Commissioner, and Katherine Kwan MacDonald is the assigned ALJ and the Presiding Officer in this proceeding.

O R D E R

IT IS ORDERED that:

1. The expedited complaint filed by Peter Hall on October 30, 2013 is denied.
2. Case 13-10-012 is closed.

This order is effective today.

Dated _____, at San Francisco, California.