

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rosendahl’s Marble and Granite,	
	Complainant,
	vs.
Southern California Edison Company (U338E),	
	Defendant.

(ECP)
Case 14-05-015
(Filed May 15, 2014)

Aimee Rosendahl, for Rosendahl’s Marble and Granite,
Complainant.

Vanessa Kirkwood and Prabha Cadambi, for Southern California
Edison Company, Defendant.

**DECISION DENYING COMPLAINT AND GRANTING
DEFENDANT’S MOTION TO DISMISS**

Summary

Rosendahl’s Granite and Marble, now Aimee Rosendahl DBA West Coast Granite and Marble (Complainant), requests rebilling of her electric service from Schedule GS-2 to GS-1 for January 2011 back. Complainant estimates the difference to be in excess of \$12,000.

Southern California Edison Company (SCE) claims Complainant’s usage did not meet the criteria for GS-1 billing during the time period in question. SCE also asserts that the time period for the requested rebilling credits exceeds SCE’s Commission-approved Tariff Rule 17.D. three-year maximum.

The request for relief is denied, as discussed below.

1. Positions of the Parties

Complainant asserts that in 2005 SCE incorrectly established her account, at that time under the name Rosendahl's Granite and Marble, on Schedule GS-2 rather than Schedule GS-1, which resulted in higher electric bills. Complainant seeks rebilling of that account, now closed, at Schedule GS-1 and a refund of the difference, estimated to be in excess of \$12,000.

Complainant states that her business' usage only rarely exceeded Schedule GS-1 demand requirements. The nature of her business involves machinery that when turned off and then restarted creates a spike in usage that puts usage over the Schedule GS-1 limits. Complainant asserts that she would not exceed the Schedule GS-1 limits if she left her machinery on all the time rather than turning it off and on. Complainant states that she turns it off to conserve energy and is penalized for that conservation effort by being bumped into the higher rates of Schedule GS-2.

In its answer to the complaint, SCE states that Complainant's initial service was established under Schedule GS-2 in August of 2005 on the basis of the application and load information given at the time. The business did not meet the usage threshold criteria under Schedule GS-1 and was appropriately established at Schedule GS-2.

SCE also states that Complainant's request for rebilling and refund should be denied since SCE is only authorized to credit rebill customers for overcharges going back a maximum of three years, pursuant to the Commission-approved Tariff Rule 17.D. Since Complainant requests a rebilling and refund exceeding the three-year time period specified in SCE's Tariff, SCE asks that the Complainant's request for refund be denied and the Complaint be dismissed.

2. Discussion

Rosendahl's Granite and Marble, now Aimee Rosendahl DBA West Coast Granite and Marble, is located at 5382 Oceanus Drive, Huntington Beach. An evidentiary hearing was held in Los Angeles on August 27, 2014.

In June of 2013, Complainant first filed an expedited complaint seeking rebilling and a refund for her business account under Aimee Rosendahl DBA West Coast Granite and Marble. That account was established in January 2011 as the result of a business name change. At the time of the complaint, SCE reviewed the Complainant's usage for the period in question and rebilled and refunded the difference between Schedules GS-1 and GS-2.¹ Complainant withdrew that complaint, but now seeks rebilling and a refund from 2011 back, for service under the original business name and account, which is now closed.

SCE's Schedule GS-1 is inapplicable to any customer whose demand is anticipated to exceed 20 kilowatt (kW) or has exceeded 20 kW in any three months during the preceding 12 months. Any Schedule GS-1 customer who becomes ineligible for that rate schedule by exceeding the usage limits, shall be transferred to Schedule GS-2 effective at the time of ineligibility.

Complainant states that her business equipment stops and start-ups are what put her only slightly beyond the Schedule GS-1 limits, and that she exceeds the usage limits only rarely. Complainant also states that her highest usage has been only 25 kW, but that the Schedule GS-2 rates apply to usage from 20.5 kW to 200 kW and puts her in the same rate schedule as much higher users.

¹ SCE notes that even though the account was rebilled and refunded, Complainant has exceeded 20 kW twice and will be subject to Schedule GS-2 rates if usage exceeds 20 kW again within a 12- month period.

While we sympathize with the Complainant, regardless of where the break point is between two rate schedules, the customer whose usage is close to the break point or straddles two rate schedules will always feel as if they are at a disadvantage. The issue of where to place break points between rate schedules and their impact on smaller users is more appropriately addressed in the context of a general rate case where such matters are resolved.

The Complainant's request seeks a rebilling and refund that goes beyond SCE's Commission-approved three year period. For these reasons, the complaint is denied and Defendant's motion to dismiss is granted.

3. Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Linda A. Rochester is the assigned Administrative Law Judge in this proceeding.

IT IS ORDERED that:

1. Complainant's request for relief is denied.
2. Defendant's motion to dismiss is granted.
3. Case 14-05-015 is closed.

This order is effective today.

Dated _____, at San Francisco, California.