

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Brenda Pratt,

Complainant,

vs.

Southern California Edison Company (U338E),

Defendant.

ECP
Case 15-08-001
(Filed August 4, 2015)**DECISION DENYING COMPLAINT****Summary**

This decision denies the request of Brenda Pratt for a refund from Southern California Edison Company for electricity overbilling from September 2014 through October 2014.

1. Positions of the Parties

Brenda Pratt (Complainant) seeks a refund of \$351.79 for what she claims is an erroneous and unreasonably high electric bill for electricity usage at her residence. Complainant contends that she has been overbilled for electrical usage during September 2014 and October 2014. She states that she did not use the amount of energy that she has been charged for. Complainant states that the amount of the September 2014 bill is over three times the amount of the September 2013 bill. Complainant states that Southern California Edison Company's (SCE) usage data must be wrong,

because she was at home during the period in question and that there was nothing operating in the home that would have caused extra electricity usage. Complainant requests a refund \$351.79.

Complainant also describes other issues that she has had with SCE service including a point when her electricity was out “on a Sunday morning,” and she had to hire a handyman to fix the problem. Complainant also stated that “a few years ago her neighbor’s utility usage had been reported on Complainant’s bill.” According to Complainant, the error was eventually corrected, and her bill was adjusted. Complainant believes this problem is pertinent to her current situation, implying that the usage data may be in error. Complainant does not dispute that the meter check readings fell within the allowed tolerances, but notes that the meter check occurred months after the billing period in question.

SCE denies the allegations raised in the complaint. SCE states that the Complainant initially spoke with a SCE Customer Service Representative (CSR) on February 13, 2015 regarding her electricity bill for the January 2015 billing cycle. SCE states that the Complainant was enrolled in SCE’s Level Payment Plan (LPP) beginning on January 30, 2014.¹ As a result, the bill received in January 2015 included charges for the energy used during the previous billing period, but also included a catch-up amount to recover prior billed amounts.

SCE explained that the LPP is an optional budgeting tool that allows customers to pay an average monthly amount for electricity usage instead

¹ SCE Tariff Rule 9.E describes SCE’s LPP program.

of a bill reflecting the actual monthly usage, to smooth out the high and low usage periods over the year and keep bills consistent for budgeting purposes. The LPP payment amount is calculated by adding the customer's bills for the previous 12 months and dividing the total amount by 11. The resulting average amount is the LPP payment amount. The customer's monthly bill will continue to reflect his/her actual energy consumption for the month, including the amount due for energy usage based on the customer's applicable rate. On the 12th month of the cycle, the LPP customer receives a "settlement bill" showing either a payment due, or a credit to the account based on how much energy was used. SCE reports that Complainant's LPP amount for 2014 was determined by adding the bills from January 18, 2013 thru January 20, 2014. The total amount billed during that period was \$699.94. When divided by 11, the resulting LPP payment amount became \$63. The LPP payment amount is adjusted if usage trends higher. After completing 12 months on the LPP program, on January 27, 2015, Complainant was sent an LPP settlement bill in the amount of \$557.27.² SCE reports that as of May 26 2015, the balance this amount was \$351.79. Complainant requests a refund of \$351.79.

SCE explains that Tariff Rule 9, Section E.5 provides that "[w]hen a settlement bill is rendered, any amounts due for usage over and above plan amounts already paid are then due and payable in accordance with SCE's filed tariff schedules; any credit for plan amounts paid in excess of

² August 31, 2015, SCE Response to Complaint at 4.

actual usage will be applied to the customer's next regular monthly bill or will be refunded by check if so requested by the customer."

On April 9, 2015, Complainant was removed from the LPP program.

2. Discussion

This complaint was brought under the Expedited Complaint Procure (ECP) pursuant to Rule 4.5 of the Commission's Rules of Practice and Procedure (Rules) and California Public Utilities Code Section 1702.1.³ A duly-noticed hearing on the complaint was held on September 17, 2015.

Complainant initially contacted SCE in February 2015 regarding her bill. Complainant then contacted the Commission's Consumer Affairs Branch with an informal complaint. On August 4, 2015, Complainant filed Case. No. 15-08-001, requesting a refund of the \$351.79 balance of the LPP bill she received in January 2015.

It is SCE's responsibility to ensure that its meter is operating properly. Following the initial informal complaint, SCE performed a meter test on June 2, 2015. SCE reports that the meter was found to be registering within Commission-approved guidelines for accuracy.⁴ In addition, at the hearing, the SCE representative explained the LPP program and provided hourly interval data for the July, August,

³ Section references are to the Public Utilities Code unless otherwise indicated.

⁴ SCE Tariff Rule 17.C.1. provides that "[i]f a meter is found to be registering more than 2% fast, SCE will refund to the customer the amount of the overcharge based on corrected meter readings or SCE's estimate of the energy usage either for the know period of meter error, or if the period of error is not known, for the period during which the meter was in use."

September, and October 2014 billing periods.⁵ The hourly interval data provided for these periods show that the residence experienced higher electricity usage between noon and 3:00 p.m., and between 7:00 p.m. and 10:00 p.m., and generally lower electricity usage during the remaining hours. In the September 2014 and October 2014 billing periods, the interval data also show higher usage during these same general time frames.

In addition, the LPP bills presented over the period included the LPP payment amount (the average usage over the prior 11 months divided by 11), plus any balance forward reflecting amounts not paid from prior periods. For the Complainant, the initial LPP amount billed was calculated as \$63.00 per month for the January through August 2014 bills, \$68 for the September 2014 bill, \$78 for the October 2014 bill, and \$85 for the November 2015 bill. The LPP bills also presented the difference, between the LPP payment amount billed, the actual usage amount to be billed, and the payments received to date. The LPP “settlement bill” sent on January 7, 2015 reflected a LPP year-to-date settlement amount due of \$557.27. The amount charged on the “settlement bill” reflects the cumulative usage presented in the interval data provided by SCE. Although the Complainant’s usage was higher in August and

⁵ The July 2014, August 2014, September 2014, and October 2014 billing periods cover June 21, 2014 – July 21, 2014, July 21, 2014 – August 18, 2014, August 18, 2014 – September 17, 2014, and September 17, 2014 – October 19, 2014, respectively. The hourly interval data for each period begins with 12:00 am data and ends with 11:00 pm data.

September 2014 than during the same period for the prior year, the customer is still responsible for paying the full cost of her actual energy use. We find no evidence of meter malfunction. We also find that the hourly interval data presented by SCE show usage that is consistent with, albeit slightly higher than, the usage patterns before and after the billing periods in question. For these reasons, the request for a refund in the amount of \$351.79 is denied.

3. Comment Period

Pursuant to Rule 14.7(b) of the Commission's Rules, no 30-day public review and comment period is required.

4. Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and Julie M. Halligan is the assigned ALJ in this proceeding.

O R D E R

IT IS ORDERED that:

1. The Complaint of Brenda Pratt, requesting a refund, is denied.
2. The comment period for today's decision is waived.
3. Case 15-08-001 is closed.

This order is effective today.

Dated _____, 2016, at San Francisco, California.