

Decision 12-01-027 January 12, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Jewel L. Dohan,

Complainant,

vs.

Southern California Edison Company (U338E),

Defendant.

(ECP)
Case 11-04-023
(Filed April 29, 2011)

Jewel Dohan, Complainant.
Michael Profit, for Complainant.
Prabha Cadambi, John Gray,
Vanessa Kirkwood for Defendant.

DECISION GRANTING RELIEF IN PART

DISCUSSION

This complaint was brought under the Expedited Complaint Procedure pursuant to Rule 4.5 of the Commission's Rules of Practice and Procedure, and California Public Utilities Code Section 1702.1. A duly-noticed hearing was held on July 22, 2011.

The Complainant disputes her Southern California Edison Company (SCE) bills for two billing cycles: November 6, 2009 to December 9, 2009 and December 9, 2009 to January 6, 2010. Regarding these bills, the Complainant has placed \$269.39 on deposit with the California Public Utilities Commission

(CPUC). The Complainant further alleges that SCE disconnected service improperly on February 18, 2010. The Complainant also describes other issues that she has had with SCE's service. SCE denies the allegations raised in the complaint.

Regarding the November and December 2009 billing cycles, the Complainant disputes the accuracy of her bills from SCE. The Complainant offers to pay \$115 in resolution of the complaint. In support for her position, the Complainant presents local weather patterns, questions the accuracy of SCE's meter, and cites to long-term disputes that she has had with SCE. Mr. Gray, on behalf of SCE, testifies in support of SCE's position that its meter was compliant. Further, in defense of its position, SCE points to billing period length differences and expected seasonal variations in usage and costs.

Regarding the February 18, 2010 service disconnection, the Complainant alleges that SCE wrongfully disconnected her service based on an error made by SCE regarding the allocation of a deposit payment. In its defense, SCE explains that Mr. Profit, the Complainant's roommate, established service on January 6, 2010. SCE charged Mr. Profit a \$95 deposit in order to establish credit. SCE avers that it mailed a Deposit Notice on January 7, 2010. The due date for the deposit payment was January 18, 2010. Having not received payment, SCE states that it mailed a Deposit Final Call Notice on February 5, 2010, with an expiration date of February 12, 2010.

The parties appear to agree that on February 12, 2010, SCE left a phone message regarding the deposit. The parties also appear to agree that Mr. Profit contacted SCE by phone, on February 12, 2010, and made a payment in the amount of \$100.65. Mr. Profit declares that he had indicated to SCE that he was paying his deposit, but SCE applied his payment towards an outstanding

balance for service. SCE explains that two accounts were at issue: a service account and a deposit account. SCE alleges that Mr. Profit erred in his allocation of the February 12, 2010 payment, whereas the Complainant alleges that SCE erred in its allocation of the February 12, 2010 payment.

The parties agree that a service disconnection did occur on February 18, 2010. After the Complainant sought and received the assistance of the CPUC regarding the service disconnection, SCE appears to have promptly re-established service.

The requisite methodology for applying a payment towards the service account, versus the deposit account, appears confusing. We note that the Complainant and her roommate are elderly, and remind SCE that a service disconnection is an action that can have serious consequences for certain vulnerable populations. The February 18, 2010 service disconnection alleged in this matter appears to have been an error on SCE's part.

We decline to decide whether the February 18, 2010 service disconnection violated any tariffs or statutes. As an alternative, and considering the totality of the circumstances as presented by the parties, it is equitable to allocate the amount on deposit with the CPUC as follows: \$190 shall be remitted to SCE and the balance of \$79.39 shall be remitted to Ms. Dohan.

O R D E R

IT IS ORDERED that:

1. Jewel L. Dohan's expedited complaint is granted in part. The amount on deposit with the California Public Utilities Commission shall be allocated as follows: \$190 shall be remitted to Southern California Edison Company and the balance of \$79.39 shall be remitted to Ms. Dohan.

2. Any amount that Southern California Edison Company currently holds on deposit from Mr. Profit shall be remitted to Mr. Profit.

3. Any amount that Southern California Edison Company currently holds on deposit from Ms. Dohan shall be remitted to Ms. Dohan.

4. Case 11-04-023 is closed.

This order is effective today.

Dated January 12, 2011, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK FERRON
Commissioners