

Decision 12-04-030 April 19, 2012

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

<p>Michael F. Scacco,</p> <p style="text-align: center;">Complainant,</p> <p style="text-align: center;">vs.</p> <p>Southern California Edison Company (U338E),</p> <p style="text-align: center;">Defendant.</p>		<p>(ECP)</p> <p>Case 11-12-004</p> <p>(Filed December 14, 2011)</p>
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Michael F. Scacco for himself, complainant.  
Prabha Cadambi and Vanessa Kirkwood, for Southern California Edison Company, defendant.

**DECISION GRANTING RELIEF, IN PART**

Complainant, Michael Scacco, contends that he has been over-billed by the Defendant, Southern California Edison (SCE), for electricity service to his condominium located in Palm Springs, California. Mr. Scacco seeks a refund for “all the months he was over-charged” including his October 2008 bill (\$346.46) and his bill for September 2011 (\$167.71). SCE asserts that Mr. Scacco’s bills were true and correct and that refunds are not warranted. We hold, partially, in favor of the Complainant and find that SCE should refund him \$100.00, for his October 2008 bill, reducing that bill to \$246.46. No other relief is warranted.

Mr. Scacco indicates that he moved into his home in August of 2008. He states that upon moving in he replaced the old appliances with energy efficient models, and replaced the old windows with double-pane glass. In

December 2008 he installed a new air conditioning/heating system replacing the old air conditioning unit. Complainant's initial bill for August 2008 was \$14.84. SCE subsequently made a correction to that bill and adjusted it upward to \$97.01. The September 2008 bill was \$140.17. His bill for October 2008 was initially \$415.97. Mr. Scacco has testified that he found this amount excessive and complained to SCE. In response to his complaint SCE conducted a "pick-up" meter read and determined that the meter was over-reading Complainant's usage. SCE re-calculated the amount of electricity usage and gave Mr. Scacco a credit of \$69.51, reducing his bill to \$346.46. At Mr. Scacco's request, the meter was tested on December 19, 2008. SCE determined that it was operating within California Public Utilities Commission (Commission)- approved guidelines. The meter was replaced on December 30, 2008, at the Complainant's request.

Mr. Scacco disputed the revised October 2008 bill and filed an informal complaint<sup>1</sup> (#10169) with the Commission. The Commission denied Mr. Scacco's complaint and the \$346.46<sup>2</sup> was forwarded to SCE. At the hearing, Mr. Scacco asserted that the October 2008 bill was excessive and the fact the SCE had revised the bill downward by \$69.51 was proof that SCE's billing calculations were faulty. SCE acknowledged that the initial charge of \$415.97 was excessive. SCE argued, however, that the error had been rectified by the \$69.51 credit to the Complainant's account. SCE pointed out, based on weather data, that October was the hottest month of 2008 in Palm Springs. Mr. Scacco did not dispute this assertion. When questioned by the assigned Administrative Law Judge (ALJ) on

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<sup>1</sup> Informal Complaint #10169, December 2008.

<sup>2</sup> The \$346.46 had been placed in escrow with the Commission.

how they determined that \$69.51 was the appropriate amount for a credit, SCE responded that it reviewed the Complainant's usage history and extrapolated the correct charge.

At \$346.46 Complainant's October 2008 bill is over three times higher than the next highest bill for that year. SCE's calculation of the credit was an estimate arrived at by extrapolation of the Complainant's electricity usage. Complainant had only occupied his home since August, thus, there was limited electricity usage data for his account. Complainant acknowledges that in October 2008 an old inefficient air conditioner was cooling his home and he does not dispute that October was hottest month of the year. At the hearing Complainant requested that SCE be required to refund him an additional \$200.00 for the October bill. This would effectively make his October bill equal to that of the previous month, which had a lower average temperature. Based on the totality of the circumstances including the uncertainty concerning SCE's usage calculations we believe that an additional refund of \$100.00, for the Complainant's October 2008 bill, is appropriate.

Mr. Scacco filed a second informal complaint<sup>3</sup> with the Commission in November 2011, disputing his September 2011 electricity bill of \$161.71. The second informal complaint was also denied. In his second complaint Mr. Scacco argued that his electricity bills for June, July and August of 2011 had ranged from \$68.89-\$90.00 but that September's bill was \$161.71. Mr. Scacco asserted that this discrepancy was proof that SCE was billing him incorrectly. SCE responded that the Complainant's meter had been replaced in December 2008, was tested in his

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<sup>3</sup> Informal Complaint #190205.

presence on November 2, 2011, and was found to be operating within Commission approved guidelines. SCE also noted that September was the hottest month of 2011, in Palm Springs. The Complainant's own data, presented at the hearing, demonstrated that the bills for October-December were lower, which coincides with SCE's data concerning high and low temperatures. The Complainant has not met his burden of proof. He has not demonstrated that his September 2011 bill from SCE was inaccurate or excessive. Additional relief is not warranted.

**O R D E R**

**IT IS ORDERED** that:

1. Southern California Edison Company will refund Michael F. Scacco \$100.00 for over-billing of his October 2008 electricity usage.
2. All relief not granted in Ordering Paragraph 1 is denied.
3. Case 11-12-004 is closed.

This order is effective today.

Dated April 19, 2012, at San Francisco, California.

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