BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED
02-09-12
04:59 PM

Lost Creek Canyon Ranch Certified Organics Complainant vs. Southern California Edison Company (U338E), Defendant	**Case (C.)**C.12-01-011 (Filed 1/18/12)

AMENDED COMPLAINT
(Rule 1.12)

COMPLAINANT	DEFENDANTS
Lost Creek Canyon Ranch Certified Organics Attn: Brian M. Lewis, Esq. 44-700 Village Court, Suite 100 Palm Desert, CA 92260 Telephone (760) 568-9200 Email: brian.lewis@lawlewis.com	Southern California Edison Company (U338E) Attn: Janet S. Combs, Esq., Senior Attorney 2244 Walnut Grove Avenue Rosemead, CA 91770-3714 Telephone: (626) 302-1524 Email: **Janet.combs@sce.com**

575037

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

(A)
LOST CREEK CANYON RANCH
CERTIFIED ORGANICS
~~DR. JANE C. SMITH, PRESIDENT~~ * AJH

COMPLAINANT(S)

vs.

(B) SOUTHERN CALIFORNIA EDISON COMPANY

DEFENDANT(S)
(Include Utility "U-Number", if known)

(for Commission use only)

(C)
Have you tried to resolve this matter informally with the Commission's Consumer Affairs staff?
☐ YES ☒ NO

Has staff responded to your complaint?
☐ YES ☒ NO

Did you appeal to the Consumer Affairs Manager?
☐ YES ☒ NO

Do you have money on deposit with the Commission?
☐ YES ☒ NO
Amount $ _____

Is your service now disconnected?
☐ YES ☒ NO
SCE THREATENED TO DISCONNECT OCTOBER 5, 2011

COMPLAINT

(D)
The complaint of (Provide name, address and phone number for each complainant)

Name of Complainant(s)	Address	Daytime Phone Number
LOST CREEK CANYON RANCH	12000 RUSHMORE AVENUE	(760) 322-1040
DR. JANE C. SMITH, PRESIDENT	WHITE WATER, CA 92282	(760) 250-4791

respectfully shows that:

(E)
Defendant(s) (Provide name, address and phone number for each defendant)

Name of Defendant(s)	Address	Daytime Phone Number
SOUTHERN CALIFORNIA	P.O. BOX 600	(8166) 701-7868
EDISON COMPANY —	ROSEMEAD, CA 91771	
NET METERING ("SCE")		

AND "SMART METER", 2008-2011 2007 TO 2011

(F)
Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation) SEE SECTIONS "F" & "G" & ATTACHED 5-PAGE GRAPH OF OVERBILLING FROM 2007 TO APRIL, 2011.

SCE OVERBILLED COMPLAINANT FOR 75,291 kWh FOR FIVE YEARS STARTING IN 2007 NET METERING. SCE REFUSED REQUESTS TO EXAMINE METER AND ABUSED THEIR LEGAL OBLIGATION TO INSURE CORRECT READINGS, SAFETY & HEALTH, AND IGNORED CUSTOMARY STANDARD OF THE STATE OF CALIFORNIA AND FEDERAL STANDARDS TO EXAMINE AND/OR REMEDY OWNER'S FIVE YEARS OF REQUESTS TO REVIEW SCE'S SYSTEM AND "SMART METER."
SCE "ONLY RESPONDED AFTER THEY WERE INFORMED A 'TED' USE MONITOR HAD SHOWN GROSS OVERCHARGES."

(G) Scoping Memo Information (Rule 4.2(a))

(1) The proposed category for the Complaint is (check one):

☒ adjudicatory (most complaints are adjudicatory unless they challenge the reasonableness of rates)

☐ ratesetting (check this box if your complaint challenges the reasonableness of a rates)

(2) Are hearings needed, (are there facts in dispute)? ☒ YES ☐ NO

(3) ☒ Regular Complaint ☐ Expedited Complaint

(4) The issues to be considered are (Example: The utility should refund the overbilled amount of $78.00):
PLEASE SEE DETAILS WITHIN THE ATTACHE 5-PAGE GRAPH. SCE SHOULD REFUND 75,291 kWh OVERCHARGES FROM 2007, 2008, 2009, 2010 TO APRIL 25, 2011, INVESTIGATION OF "PATTERN AND PRACTICE" OF SCE FOR FRAUD AND FAILURE TO RESPOND TO NUMEROUS REQUESTS FOR SAFETY INSPECTIONS AND EXCESSIVE kWh HOURS. SCE WAS ABUSIVE, LIED STATING "NO ACCESS", INCLUDING A STATEMENT THAT "OWNER COULD NOT BE PRESENT IF SCE EXAMINED METER, ETC."

(5) The proposed schedule for resolving the complaint within 12 months (if categorized as adjudicatory)

or 18 months (if categorized as ratesetting) is as follows:

Prehearing Conference: Approximately 30 to 40 days from the date of filing of the Complaint.
Hearing: Approximately 50 to 70 days from the date of filing of the Complaint.

Prehearing Conference (Example: 6/1/09):	11/7/11
Hearing (Example: 7/1/09)	12/7/11

Explain here if you propose a schedule different from the above guidelines.

(H)
Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)

REFUND OF OVERCHARGED MONEY I HAVE PAID TO SCE'S OVERCHARGE OF "USE" HOURS (kWh) FROM SCE BILLING STARTING JANUARY, 2007 THROUGH APRIL 27, 2011 BILLING (A TOTAL OF 52 MONTHS). NET-METERING AND 2008 "SMART METER", WHEN OWNER WAS Not LIVING AT FARM!

(I)
OPTIONAL: I/we would like to receive the answer and other filings of the defendant(s) and information and notices from the Commission by electronic mail (e-mail). My/our e-mail address(es) is/are:

BRIAN.LEWIS@LAWLEWIS.COM

(J)
Dated WHITE WATER (City), California, this 3rd (date) day of OCTOBER (month), 2011 (year)

LOST CREEK CANYON RANCH

Dr. Jane C. Smith, president

Signature of each complainant

(MUST ALSO SIGN VERIFICATION AND PRIVACY NOTICE)

(K)
REPRESENTATIVE'S INFORMATION:
Provide name, address, telephone number, e-mail address (if consents to notifications by email), and signature of representative, if any.

Name of Representative:	BRIAN M. LEWIS, ATTORNEY AT LAW
Address:	44700 VILLAGE COURT, SUITE 100, PALM DESERT, CA 92260
Telephone Number:	(760) 568-9200
Email:	BRIAN.LEWIS@LAWLEWIS.com
Signature	Brian M. Lewis

(N) NUMBER OF COPIES NEEDED FOR FILING:
If you are filing your formal complaint on paper, then submit one (1) original, six (6) copies, plus one (1) copy for each named defendant. For example, if your formal complaint has one defendant, then you must submit a total of eight (8) copies (Rule 4.2(b)).
If you are filing your formal complaint electronically (visit http://www.cpuc.ca.gov/PUC/efiling for additional details), then you are not required to mail paper copies.

(O) Mail paper copies to: California Public Utilities Commission
Attn: Docket Office
505 Van Ness Avenue, Room 2001
San Francisco, CA 94102

VERIFICATION
(For Individual or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(L)

Executed on _____ (date), at _____ (City), California

_____
(Complainant Signature)

VERIFICATION
(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

(M)

Executed on OCTOBER 3, 2011 (date), at WHITE WATER (City), California
LOST CREEK CANYON RANCH

Dr. Jane C. Smith PRESIDENT
Signature of Officer Title

(N) **NUMBER OF COPIES NEEDED FOR FILING:**
If you are filing your formal complaint on paper, then submit one (1) original, six (6) copies, plus one (1) copy for each named defendant. For example, if your formal complaint has one defendant, then you must submit a total of eight (8) copies (Rule 4.2(b)).
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(O) Mail paper copies to: California Public Utilities Commission
Attn: Docket Office
505 Van Ness Avenue, Room 2001
San Francisco, CA 94102

PRIVACY NOTICE

This message is to inform you that the Docket Office of the California Public Utilities Commission ("CPUC") intends to file the above-referenced Formal Complaint electronically instead of in paper form as it was submitted.

Please Note: Whether or not your Formal Complaint is filed in paper form or electronically, Formal Complaints filed with the CPUC become a public record and may be posted on the CPUC's website. Therefore, any information you provide in the Formal Complaint, including, but not limited to, your name, address, city, state, zip code, telephone number, Email address and the facts of your case may be available on-line for later public viewing.

Having been so advised, the Undersigned hereby consents to the filing of the referenced complaint.

LOST CREEK CANYON RANCH

Dr. Jane C. Smith
Signature

OCTOBER 3, 2011
Date

DR. JANE C. SMITH, PRESIDENT
Print your name

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Lost Creek Canyon Ranch Certified Organics Complainant vs. Southern California Edison Company (U338E), Defendant	**Case (C.)**C.12-01-011 (Filed 1/18/12)

AMENDED COMPLAINT ATTACHMENTS

575037

SCE KILOWATT OVERBILLINGS
"2007, 2008, 2009, 2010 & 2011"

Total SCE Kilowatt Overbillings January, 2007 to April, 2011: <u>75,291 kWh</u>

Legend: Based on SCE billing; Owner's TED use monitor

kWh Use	Billing Dates											
	1/25/07	2/26/07	3/27/07	4/25/07	5/24/07	6/25/07	7/25/07	8/23/07	9/22/07	10/24/07	11/26/07	12/26/07
+2400												
+2300					*SCE OVERCHARGES*							
+2200					***<u>14,320 kWh for 2007</u>***							
+2100					*Ranch "Not Occupied"*							
+2000												
+1900					**3.5 kW SOLAR GRID INSTALLED, HOWEVER COMPANY FAILS TO CONNECT GRID TO EDISON; NONETHELESS EDISON OVERCHARGES**							
+1800												
+1700												
+1600												
+1500											+1480	
+1400	+1360	+1360	+1400							+1360		
+1300				+1280								
+1200												+1120
+1100							+1040		+1040			
+1000					+960	+1000		+920				
+900												
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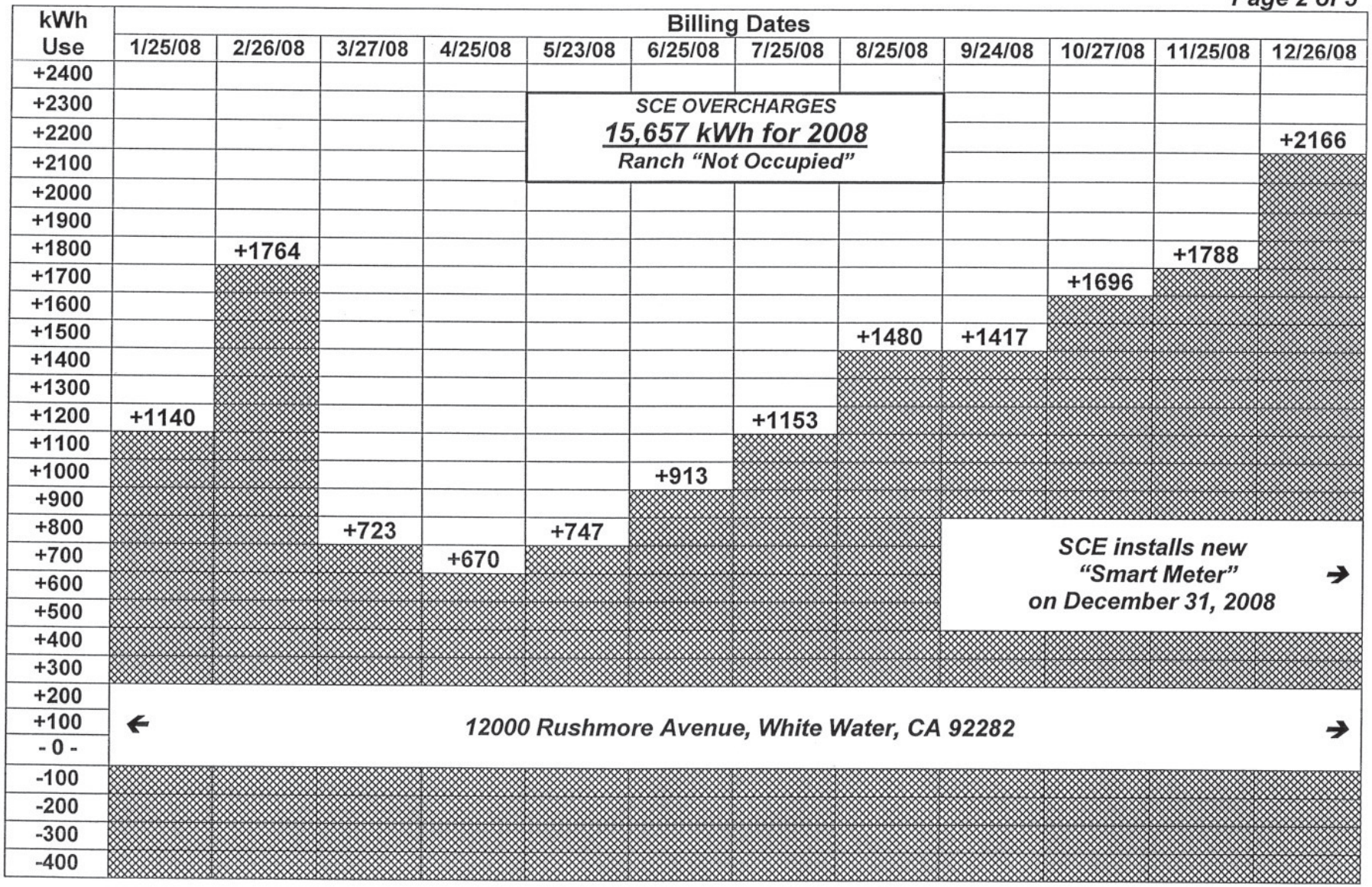
+700												
+600												
+500												
+400												
+300												
+200												
+100	← *12000 Rushmore Avenue, White Water, CA 92282* →											
- 0 -												
-100												
-200												
-300												
-400												

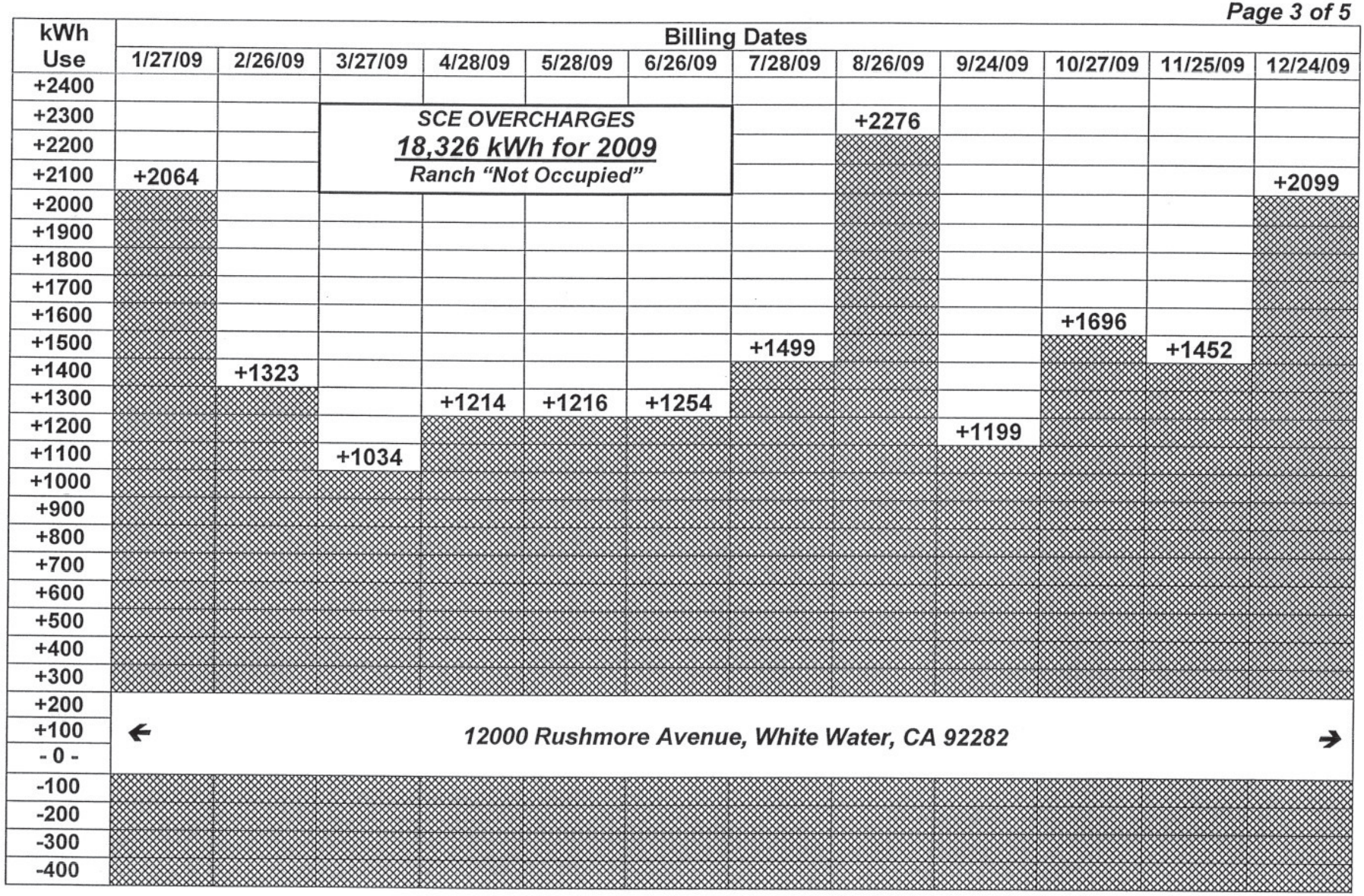
SCE KILOWATT OVERBILLINGS
"2007, 2008, 2009, 2010 & 2011"

Legend: Based on SCE billing; Owner's TED use monitor



SCE KILOWATT OVERBILLINGS
"2007, 2008, 2009, 2010 & 2011"

Legend: Based on SCE billing; Owner's TED use monitor



SCE KILOWATT OVERBILLINGS
"2007, 2008, 2009, 2010 & 2011"

Legend: Based on SCE billing; Owner's TED use monitor

kWh Use	Billing Dates											
	1/26/10	2/26/10	3/26/10	4/27/10	5/26/10	6/24/10	7/26/10	8/24/10	9/24/10	10/26/10	11/23/10	12/23/10
+2400	+2325											
+2300												
+2200												
+2100										+2097		+2036
+2000				+1970								
+1900												
+1800												
+1700					+1616				+1670		+1678	
+1600		+1509				+1577						
+1500			+1474				+1489					
+1400								+1340				
+1300												
+1200												
+1100												
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+200												
+100												
- 0 -												
-100												
-200												
-300												
-400												

SCE OVERCHARGES
20,781 kWh for 2010
Ranch "Not Occupied"

12000 Rushmore Avenue, White Water, CA 92282
"Excessive Use" (?) – Edison refuses to respond.

SCE KILOWATT OVERBILLINGS
"2007, 2008, 2009, 2010 & 2011"

Legend: Based on SCE billing; Owner's TED use monitor

kWh Use	Billing Dates											
	1/25/11	2/25/11	3/25/11	4/25/11	5/25/11	6/24/11	7/25/11	8/23/11	9/__/11	10/__/11	11/__/11	12/__/11
+2400												
+2300												
+2200	+2141											
+2100												
+2000												
+1900												
+1800												
+1700		+1663										
+1600			+1540									
+1500												
+1400												
+1300												
+1200												
+1100												
+1000												
+900				+863								
+800												
+700												
+600												
+500												
+400												
+300												
+200												
+100												
- 0 -												
-100												
-200					-67			-61				
-300						-147	-126					
-400												

SCE OVERCHARGES

6,207 kWh for Jan. – Apr., 2011

After TED monitor meter installed: SCE representative opened meter with their equipment.

Ranch still "Not Occupied"

← *12000 Rushmore Avenue, White Water, CA 92282* →

SCE reps opened meter with their equipment circa late April, 2011

Afterwards, "Use dropped more than 1500%" $ →

California Public Utility Commission – Responses to "Complaint" Sections "(F)" and "(G)(4)" by Lost Creek Canyon Ranch, 12000 Rushmore Avenue, White Water, CA 92282:

(F) Response:

Complainant charges gross fraud by SCE for intentional gross overcharges by SCE for electric us of 75,291 kW hours from 2007, 2008, 2009, 2010 to April, 2011 as illustrated within the enclosed graphs (consisting of 5 pages) as evidenced from SCE billings to complainant from January, 2007 through April, 2011 after 3.0 solar net metering installation. In April, 2011 complainant hired a licensed solar contractor to place a TED "use" monitor which the attached 5 page table illustrates SCE's gross overcharges, which "magically" dropped to minus use the day after a SCE technician opened the SCE "smart meter", and stated that "Nothing was wrong" (See "G" below – SCE refused to test meter from 2007 to 2011).

(G)(4) Response:

From 2007 to 2011, owner of farm/ranch could not reside at farm/ranch due to electrical harm to electrical systems after solar install, fear of safety for self and SCE employees, which SCE "ignored", as SCE refused to assess safety and excessive meter readings which increased each year – with no one in residence at ranch. After the 12-31-08 installation of the "Smart Meter", meter readings jumped an average of nearly 1500% in 2008, 2009 and 2010.

SCE "Refused" all requests to test the meter, "Fraud by indifference" and reckless disregard of safety for Dr. Smith or even SCE employees is a criminal act, as SCE fails to understand their ethical and legal obligation to perform for benefit of the Public Trust. SCE was dismissive, abusive, threatening, lied – that they (SCE stating) "Did not have access, owner would not allow SCE access, etc . . ." and informed complainant "If they examined the meter, the owner could not be present(?)"

SCE has "Life/Death" power over "The People", able to do as they please without any consequence of actions, as "The People have no recourse." Refusal by and abuse by SCE not to test meter is "fraud by indifference" as SCE knows they do what they want with zero (0) understanding of their ethical and legal obligation to perform for benefit of the Public Trust.

Request an investigation of "SCE pattern and practice" by the PUC, CEC, State Attorney General as a rigged monopoly which takes advantage of position to extort money from innocent customers, without regard if reckless actions cause harm or loss of life by "most citizens" especially at risk, elders, sick, jobless, fixed income, disabled, poor, mentally impaired, etc., who can not pay overcharged SCE bills. Investigation by FERC, Federal Oversight Committee of Senate Energy, Federal Attorney General, Senate Ethics Committee, etc. for unethical actions which violate the Public Trust – which DO have consequences. Protection of Human life is the first principle of law. In addition, SCE "Refused the 2007 application for 3.0 solar grid – net metering under agricultural corporation of "Lost Creek Canyon Ranch", in which SCE to this day continues to ignore requests to correct the name." Obviously, SCE does NOT keep records.

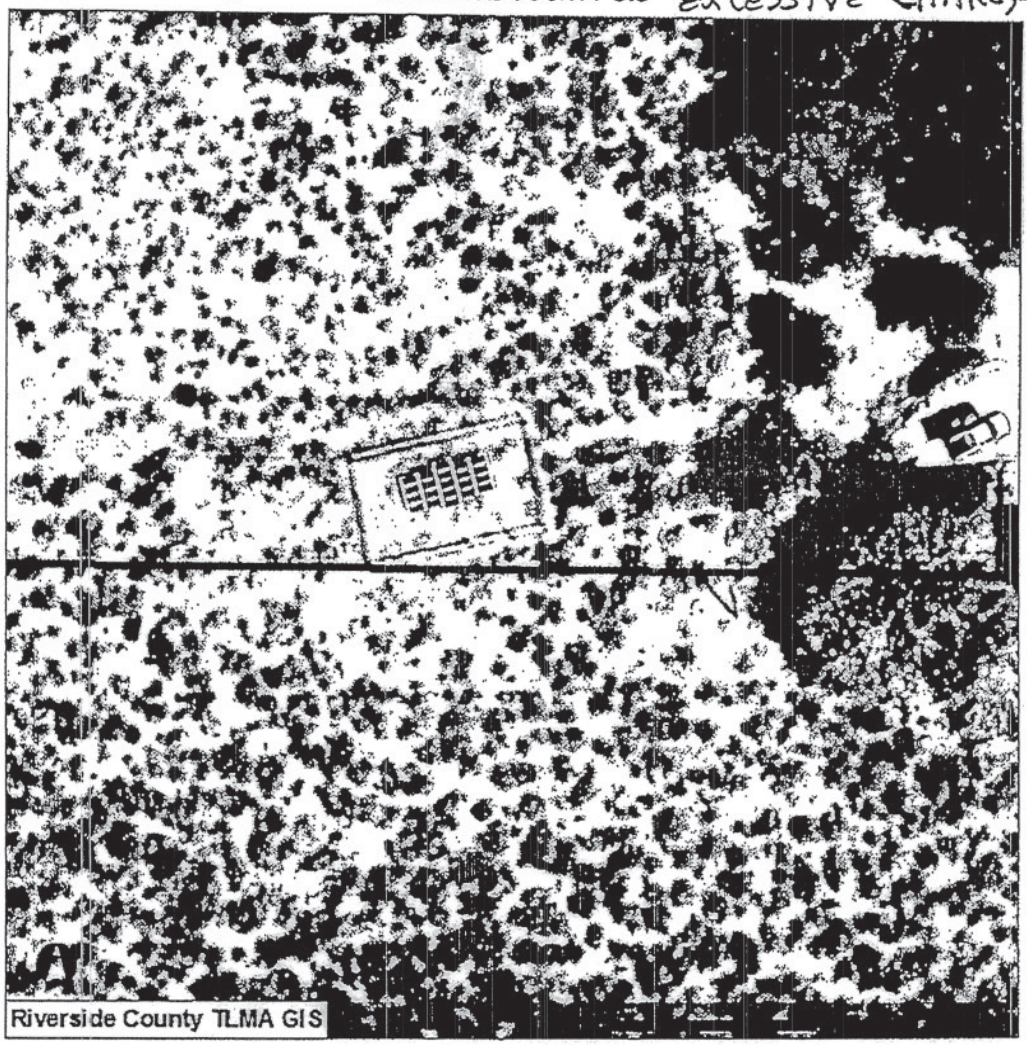
Riverside County GIS http://www3.tlma.co.riverside.ca.us/pa/rclis/NoSelectionPrint.htm

1200 RUSHMORE AVE.
WHITE WATER, CA 92282 SEC:

RIVERSIDE COUNTY GIS

EXCESSIVE CHARGES of 75,291 KW HOURS FROM 2007 2008 2009 2010 TO APRIL 2011.

DOCUMENTS "MONITOR GRAPH ENCLOSED"



3.0 SOLAR GRID - INSTALLED 2007 AT LOST CREEK CANYON RANCH, 12000 RUSHMORE, WHITE WATER, CA. 92282

Selected parcel(s): 514-160-001

"IMPORTANT"
Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

"ORGANIC FARM", PRESIDENT, DR. JANE C. SMITH

REPORT PRINTED ON...Mon Oct 03 2011 17:45:22 GMT-0700 (Pacific Daylight Time)

Version 110926

"EXCESSIVE BILLING by SCE 2007, 2008, 2009, 2010, UNTIL APRIL 2011, AFTER "TED USE MONITOR WAS INSTALLED - SCE, who had "REFUSED TO CHECK SAFETY of METER - from 2007-2011" suddenly Responded"

SOUTHERN CALIFORNIA EDISON®
An EDISON INTERNATIONAL® Company

P.O. Box 600
Rosemead, CA
91771-0001
www.sce.com

REALITY "USE"

Your electricity bill

SMITH, JANE C / Page 1 of 6

For billing and service inquiries call 1-866-701-7868,
Mon - Fri 8 a.m. to 5 p.m.
For emergency services call 24 hrs a day, 7 days a week

Date bill prepared: Aug 25 '11

Customer account 2-20-015-6800
C/O PSO, CPA

Service account 3-016-1140-82
12000 RUSHMORE AVE
WHITEWATER, CA 92282

Rotating outage Group A036

PAST DUE

Your account summary

EXCESSIVE

Your previous balance	$2,845.40
Payment extension amount	$2,845.40
Your new charges — REAL	$1.71
Late payment charge	$25.46
Total amount you owe	**$2,872.57**

Net energy metering annual billing month #7.

Please review subsequent pages for your actual Energy Charges and additional information.
In order to pay your total payment extension balance of $2,845.40 on time, you will need to pay by Sep 19 '11.
Your total new charges of $27.17 are due by Sep 13 '11.
Your payment extension will be cancelled if we do not receive your payment by 5 p.m. on the date specified and your service may be disconnected without further notice.

Compare the electricity you are using

	Electricity (kWh)
Jul 25 '11 to Aug 23 '11	
Consumption	314
Net Generation	-371
Total	-57

Your next meter read for 343M-006859 will be on or about Sep 23 '11.

NOTE: "USE DROPPED OVER 1500 % AFTER TED MONITOR PUT IN

Please return the payment stub below with your payment and make your check payable to Southern California Edison.
If you want to pay in person, call 1-800-747-8908 for locations, or you can pay online at www.sce.com.

-574) Tear here Tear here

SOUTHERN CALIFORNIA EDISON®
EDISON INTERNATIONAL® Company

Customer account 2-20-015-6800
Please write this number on your check. Make your check payable to Southern California Edison.

Payment extension - pay by Sep 19 '11	$2,845.40
New charges - pay by Sep 13 '11	$27.17
Total amount you owe	**$2,872.57**
Amount enclosed	$

STMT 08252011 P5 C02 T0008 001506 01 AT 0.3620 C053

SMITH, JANE C
3001 E TAHQUITZ CANYON WAY STE 105
PALM SPRINGS, CA 92262-6900

AND VISIT BY SCE AFTER 5 YEARS OF REQUEST

P.O. BOX 600
ROSEMEAD, CA 91771-0001

SEE NEXT PAGE GRAPH SCE

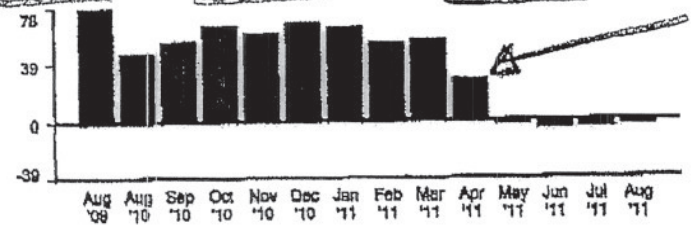
20 015 6800 00000012 000284540000002717000287257

SOUTHERN CALIFORNIA EDISON®
An EDISON INTERNATIONAL® Company

July 25, 2011 to Aug 23, 2011 !

Your daily average electricity usage (kWh)

2 Years ago: 78.48 Last year: 46.21 This year: -1.97



* TED MONITER "USE" AND "VISIT" BY SCE, AFTER 5 YEARS of REQUESTS !

Details of your non-energy-related charges

Your rate: DOMESTIC
Billing period: Jul 25 '11 to Aug 23 '11 (29 days)

Delivery charges		
Basic charge	29 days x $0.02900	$0.84
Bal of minimum charge		$0.87
Subtotal of your new charges		$1.71
Your new charges		$1.71

Your Delivery charges include:
- *$1.71 distribution charges*

Your overall energy charges include:
- *$0.02 franchise fees*

Additional information:
- *DWR provided 21.918% of the energy you used this month*
- *Service voltage: 240 volts*
- *Your summer baseline allowance: 1,273.1 kWh*
- *Net Surplus Compensation option: Rollover*

Things you should know

Visit SCE at the Fair....
Find out about energy saving tips, rebates and programs by visiting SCE at the SCE booth at the Orange, Ventura and Los Angeles County Fairs. Customers who bring in a recent copy of their SCE bill will receive a free gift while supplies last.

* WHEN WILL CEC + EDISON follow 2 YEAR old STATE VOTE TO PAY $ TO THOSE WHO CREATE MORE KWh THAN They "USE" ?

LOST CREEK CANYON RANCH / FARM
DR. JANE SMITH, PRESIDENT
10.3.11

Details of your new charges

Your rate: DOMESTIC
Billing period: Jul 25 '11 to Aug 23 '11 (29 days)

Delivery charges		
Energy-Summer		
Tier 1 (within baseline)	-57 kWh x $0.04655	-$2.65
DWR bond charge	-57 kWh x $0.00505	-$0.29
Generation charges		
DWR		
Energy summer	-12 kWh x $0.03952	-$0.47
SCE		
Energy-Summer		
Tier 1 (within baseline)	-45 kWh x $0.08205	-$3.69
Energy Charge Total		**-$7.10**

Additional information regarding your Net Consumption/Generation:
- *Your cumulative energy charge total as of previous month: $958.83*
- *Your current month energy charge total: -$7.10*
- *Your cumulative energy charge Year-to-Date: $951.73*
- *Your cumulative kWh Year-to-Date: 3,659 kWh*

Things you should know

WHAT'S ON YOUR BILL ?

This statement reflects non-energy related charges due and payable monthly. Your Net Energy Metering (NEM) Cumulative Energy Charge is shown to keep you updated. If you have a credit for your Cumulative Energy Charge, it will be tracked and carried forward monthly until the total Cumulative Energy Charge exceeds the credit, or until you complete your Relevant Period. Thank you for your participation in SCE's Net Energy Metering Program.