



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

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Patrick J. Killen and Dennis Cleland,)
)
Complainants,)
)
v.)
)
Southern California Edison Company,)
)
Defendant.)
_____)

Case No. C.09-12-036
(Filed November 20, 2009)

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) ANSWER TO
COMPLAINT**

JENNIFER TSAO SHIGEKAWA
SHARON C. YANG

Attorneys for
SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue
Post Office Box 800
Rosemead, California 91770
Telephone: (626) 302-6680
Facsimile: (626) 302-3990
E-mail: sharon.yang@sce.com

Dated: **February 26, 2010**

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**SOUTHERN CALIFORNIA EDISON COMPANY’S (U 338-E) ANSWER TO
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I.

INTRODUCTION

Pursuant to Rule 4.4 of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, Southern California Edison Company (“SCE”) respectfully answers the Complaint of Patrick J. Killen (“Killen”) and Dennis Cleland (together, “Complainants”).

II.

SUMMARY

By their Complaint, Complainants seek “100K plus” for “the cost of the improvements needed” for “conduits underground to provide the necessary power.” [Complaint ¶¶ F, G, H.]

Complainants claim that the City of Manhattan Beach and SCE did not “plan ahead for future development on Manhattan Beach Blvd” and thus the undergrounding of electric facilities done 10 years ago “was not properly outfitted for future needs.” [Complaint ¶ F.] Complainants further allege that they have been “asked to provide the funds and means to fix the issue at which future developments would ultimately benefit from with no cost to them,” and “asking a developer to fix what is a city issue seems unfair due to the fact that it was their oversight [sic].” [Id.]

On or about August 12, 2008, Killen completed a Customer Project Information Sheet (“CPIS”) and signed a Design Option Letter for the property located at 930 Manhattan Beach Boulevard, Manhattan Beach, California (“Subject Property”). The CPIS described Killen’s project location and noted that he was upgrading his electrical panels. Killen requested that SCE provide 120/240-volt single phase electrical service to six meters.

On or about October 14, 2008, the electrical service planner field-verified the contents of SCE’s existing underground structures and system in Killen’s area to determine if SCE could provide the service Killen was requesting.

On or about October 15, Killen called SCE and requested a 120/208-volt 3-phase 4-wire to service an 800 amp electrical meter panel instead of his prior request for a 120/240-volt single-phase electrical service for six meters. SCE’s service planner made two additional field visits to the Subject Location to determine if SCE could provide the new requested voltage.

On or about November 13, 2008, SCE determined that the customer would need to install a vault in the street, per SCE’s Tariff Rule 16,¹ in order to provide a three-phase transformation because Killen had already begun constructing his additions to the existing building, leaving no room on the Subject Property for a padmounted transformer.²

¹ Per SCE’s Tariff Rule 16, Section F, where SCE’s existing service facilities require reinforcement due to added load, the Service Facilities shall be replaced as a new Service Extension in which case the Applicant is responsible, per Section D, to provide a clear route, excavation, and the furnishing and installing of all conduits and substructures. Where applicable said conduits and substructures are to be deeded to SCE, Rule 15 may be applicable.

² Per SCE’s Tariff Rule 16, Section D.1.g, Padmounted Equipment is SCE’s standard installation.

Due to the congestion in the street, SCE could not utilize one of its standard vaults and had to send a request to SCE's Underground Drafting Group to find an acceptable structure to house the requested transformation in this type of area.

On or about March 2, 2009, SCE received Killen's electrical service plans for the requested 120/208-volt 3-phase 4-wire 800-amp electrical meter panel.

On or about March 16, Killen sent SCE requirements for an elevator (120/208-volt 3-phase 4-wire) that was being installed in the building and served from the new 120/208-volt 3-phase 4-wire 800-amp electrical meter panel.

On or about March 17, 2009, SCE sent Killen an Ampere Interrupting Capacity ("AIC") letter for his requested 120/208-volt 3-phase 4-wire electrical meter panel. The AIC explained the amount of current that a protective device, such as a fuse or circuit breaker, could safely interrupt.

After evaluating the motor load of the elevator, SCE determined that the flicker was within allowable limits. As such, SCE requested a finalized customer work order drawing from its drafting department so that the customer could begin the structure and conduit installation.

On or about April 10, 2009, SCE met with Killen to discuss the final plans. SCE informed Killen that, if he wanted a 120/208-volt 3-phase 4-wire electrical service he would need to install a vault (transformer structure) and new conduits in the street. SCE also informed Killen that, regardless of the voltage, if Killen wanted 800 amps of power, a new vault and conduits would need to be installed in the street. SCE stated that, as a last alternative to having Killen install a vault in the street and continue being served from the existing structure, SCE could investigate if a new 3-phase 4-wire transformer bank could be installed. However, SCE further explained that Killen would likely need to downsize his request to a 400-amp panel. Killen stated he was not happy but would settle for a 400-amp electrical meter panel served at 120/240-volt 3-phase 4 wire. SCE informed Killen that he needed to bring in a single line diagram and load schedules for the new requested voltage.

On or about April 13, 2009, SCE validated via a field visit that it could serve Killen's new requested voltage from the existing vault with a 3-phase open-delta bank as SCE could only install two additional transformers in the existing vault. Accordingly, SCE called Killen's electrician on or about April 20, 2009 to inform him that SCE could indeed serve the new requested load and voltage and reminded him that SCE needed the load schedules and single line for this new voltage. That day, Killen faxed to SCE a four-page document with a single line showing a new 400-amp electrical meter panel at 120/240-volt 3-phase 4-wire and new load calculations. SCE informed Killen that this was the maximum amps and volts (120/240-volt 3-phase 4-wire 400 amps) he could receive by utilizing the existing structure, with SCE installing new transformers and cable at his expense, and with his installation of new conduits to his site. Killen acknowledged this and agreed to this installation.

On or about April 24, 2009, SCE delivered to Killen a revised underground structure/conduit map outlining the new details (service from existing structure and new conduit installations required of Killen to new 120/240-volt 3-phase 4-wire service).

On or about June 9, 2009, Killen asked SCE if SCE could combine his project with another project nearby to minimize costs. After researching the issue, SCE explained to Killen that the "nearby" project was 1,000 feet away and completely separate, so combining the two projects was not possible.

On or about June 11, 2009, Complainants filed an informal complaint ("Informal Complaint") with the Commission regarding the issue at hand. The Informal Complaint stated that Complainants bought a lot in Manhattan Beach 11 years ago and, 10 years ago, "were force[d] to underground and pay for it because the city of MB wanted this commercial street underground." Because, at the time of the Informal Complaint, Complainants were "developing the site," Complainants allege that they "need[ed] a mere 600 amps and 3 phase electric (for a commercial site)" and were "told that they only have available 200 amps single phase." Complainants further claim that they were told if [they needed] the additional power, it will cost [them] \$100,000...to bring the power to the site."

On or about July 30, 2009, SCE responded to Killen via e-mail. SCE explained that the line extension to the Subject Property is governed by SCE Tariff Rules 15 (Distribution Line Extensions) and 16 (Service Extensions). Because the Subject Property cannot accommodate a padmounted transformer, because of inadequate space, and Killen's budget did not allow for the installation of a vault in the street to house three-phase transformers, SCE designed a secondary system that required conduits and structures beyond those that currently exist. This secondary system would ensure that the Subject Property attained the appropriate voltage levels as required per SCE's Tariff Rule 2 (Descriptions of Service).

SCE's e-mail to Killen further explained that the line extension to the Subject Property initially served only one site and that, for Killen's non-residential load, SCE may grant allowances or credits per Rule 15. This e-mail described the Refundable Option and Discount Option available to Killen. SCE also indicated in this e-mail that the area where the Subject Property is located is a city-designated all-underground region. Consequently, there are no overhead distribution lines in the area by which SCE could serve Killen. If Killen required more information regarding the service limitations of the Subject Property, he would have to contact the City of Manhattan Beach directly.

In this e-mail, SCE also stated that, because of the City of Manhattan Beach's request to have the driveway adjusted, SCE would have to relocate and replace its existing handhole, located in the driveway of the Subject Property, with a splice box. Additionally, because the handhole serves street lighting, SCE would also need to relocate the street light conduit. All work would be at Killen's expense because the adjusting of the driveway was not an SCE mandate.

SCE created several designs for Killen's project in an effort to devise the most economical solution for him.

Per SCE's records and Rules 15 and 16, SCE owes Complainants no money. Complainants' contentions have no merit and should be dismissed.

III.

ANSWER TO COMPLAINT

SCE incorporates by reference the affirmative statements made in SCE's Summary above. SCE responds to the specific allegations of the Complaint as follows:

1. With respect to Paragraph (F), SCE admits that there are no available conduits underground that are capable of providing power per the requested voltage and amps of the Complainants to the Subject Property. SCE admits that "undergrounding was done 10 yrs ago." SCE admits that it informed Complainants that they would be responsible for the cost of the vaults, structures, conduits, excavation, backfill, etc., as required per SCE's Rules 15 and 16. SCE denies that it "did not plan ahead for future development on Manhattan Beach Blvd." SCE denies that underground "was not properly outfitted for future needs." SCE lacks sufficient information to form a belief as to the truth of the remaining allegations in this paragraph and, on that basis, denies each and every remaining allegation.

2. With respect to Paragraph (G)(4), SCE admits "[t]he city has already undergrounded." SCE denies that "on our block the conduits and transformers were not outfitted for the future of development." SCE denies that it ever provided Complainants with a written estimate of "100K plus." SCE lacks sufficient information to form a belief as to the truth of the remaining allegations in this paragraph and, on that basis, denies each and every remaining allegation.

3. With respect to Paragraph H, SCE denies that it should "bear the cost of the improvements needed."

IV.

AFFIRMATIVE DEFENSES

FIRST, SEPARATE, AND AFFIRMATIVE DEFENSE

Affirmative Allegations

SCE realleges and incorporates herein each and every one of its affirmative allegations set forth above.

SECOND, SEPARATE, AND AFFIRMATIVE DEFENSE

Failure to State a Cause of Action

The Complaint fails to state facts sufficient to constitute a cause of action for relief against SCE.

THIRD, SEPARATE, AND AFFIRMATIVE DEFENSE

Failure to Allege Violation of Any Law or Rule Pursuant to Public Utilities Code § 1702

Complainants have failed to allege any act or thing done or omitted to be done by SCE including any rule or charge established or fixed by or for SCE, in violation or claimed to be in violation, of any provision of the law or any rule of the Commission as required by Public Utilities Code Section 1702.

FOURTH, SEPARATE, AND AFFIRMATIVE DEFENSE

Compliance with Tariffs

Complainants are barred from recovery because SCE has complied with all applicable tariffs.

FIFTH, SEPARATE, AND AFFIRMATIVE DEFENSE

Failure to Mitigate

Complainants failed to mitigate their injury, if any.

WHEREFORE, SCE prays:

1. That the Complaint and relief requested are denied; and
2. For such other relief as the Commission may deem just and equitable.

Respectfully submitted,

JENNIFER TSAO SHIGEKAWA
SHARON C. YANG

/S/ Sharon Yang

Sharon C. Yang

By:

Attorneys for
SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue
Post Office Box 800
Rosemead, California 91770
Telephone: (626) 302-6680
Facsimile: (626) 302-3990
E-mail: sharon.yang@sce.com

Dated: **February 26, 2010**

VERIFICATION

I am an officer of the applicant corporation herein, and am authorized to make this verification on its behalf. I am informed and believe that the matters stated in **SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) ANSWER TO COMPLAINT** are true.

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

Executed this 26th day of February, 2010, at Rosemead, California.

/S/ Akbar Jazayeri
Akbar Jazayeri
Vice President, Regulatory Operations
SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue
Post Office Box 800
Rosemead, California 91770

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of **SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) ANSWER TO COMPLAINT** on all parties identified on the attached service list(s).

Service was effected by one or more means indicated below:

Transmitting the copies via e-mail to all parties who have provided an e-mail address.
First class mail will be used if electronic service cannot be effectuated.

Executed this **26th day of February, 2010**, at Rosemead, California.

/S/ Cecilia Jones

Cecilia Jones

Project Analyst

SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue
Post Office Box 800
Rosemead, California 91770



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Service Lists

PROCEEDING: C0912036 - KILLEN AND CLELAND V
FILER: DENNIS CLELAND
LIST NAME: LIST
LAST CHANGED: FEBRUARY 24, 2010

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Parties

DENNIS CLELAND
 PO BOX 969
 MANHATTAN BEACH, CA 90266
 FOR: DENNIS CLELAND

PATRICK J. KILLEN
 930 MANHATTAN BEACH BLVD.
 MANHATTAN BEACH, CA 90266
 FOR: PATRICK J. KILLEN

SHARON YANG
 ATTORNEY
 SOUTHERN CALIFORNIA EDISON COMPANY
 2244 WALNUT GROVE AVE. / PO BOX 800
 ROSEMEAD, CA 91770
 FOR: SOUTHERN CALIFORNIA EDISON COMPANY

Information Only

CASE ADMINISTRATION
 SOUTHERN CALIFORNIA EDISON COMPANY
 LAW DEPARTMENT - ROOM 370
 2244 WALNUT GROVE AVE.
 ROSEMEAD, CA 91770

CONSUMER AFFAIRS
 SOUTHERN CALIFORNIA EDISON COMPANY
 2244 WALNUT GROVE AVENUE
 ROSEMEAD, CA 91770
 FOR: SOUTHERN CALIFORNIA EDISON COMPANY

JENNIFER TSAO SHIGEKAWA
 ATTORNEY
 SOUTHERN CALIFORNIA EDISON COMPANY
 2244 WALNUT GROVE AVE. / PO BOX 800
 ROSEMEAD, CA 91770

State Service

ROBERT A. BARNETT
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 2208
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

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