

Decision \_\_\_\_\_

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

Gary Schultz,

Complainant,

vs.

Southern California Edison Company,

Defendant.

(ECP)

Case 07-06-012

(Filed June 11, 2007)

Gary Schultz, for himself, complainant.

George A. Coutts, for defendant.

**DECISION GRANTING RELIEF**

Complainant seeks to have his electric service bill recalculated for the billing periods from June 2006 through December 2006 to show he received service under rate Schedule GS-1 rather than rate schedule GS-2. The amount in controversy is \$2,138.87, which may be adjusted depending upon whether a rebilled calculation is needed. Defendant denies complainant was billed under the wrong rate schedule. Public hearing was held on September 21, 2007 and the matter submitted.

The chronology of events is:

DATE	EVENT
2000	Schultz is served under GS-1 (demand under 20 kW).
2001	Schultz installs 25 HP motor and SCE changes Schultz's schedule from GS-1 to GS-2 (demand over 20 kW).
5-19-05	Schultz files SCE's Form 14-458 Declaration of Permanent Change stating his demand will be under 20 kW.
8-3-05	Southern California Edison Company (SCE) rejects Form 14-458 because Schultz's peak demand is above 30 kW.
4-26-06	SCE installs and tests its new meter serving Schultz.
5-31-06	Schultz installs 3 permanent changes: 1) 7.2 kW solar system; 2) 10 HP motor (down from 25 HP); and 3) his own demand meter.
5-06	SCE's meter shows spike of 27 kW.
10-06	SCE's meter shows spike of 23 kW.
2-1-07	SCE visits Schultz's premises to verify Schultz's permanent changes.
5-31-07	Schultz's demand meter shows operation for 12 months not exceeding 20 kW.

Four times between June 2006 and June 2007, Schultz requested SCE to test its meter for accuracy. SCE refused. Complainant asserts that SCE violated the provisions of rate schedule GS-1 (General Service Non-Demand), by moving complainant from rate schedule GS-1 to rate schedule GS-2 (General Service Demand), and by not testing its meter when requested.

SCE asserts that demand on SCE's electrical system must be reduced to a level which would otherwise qualify the account for a change of rate schedule, provided the account continuously operates at the new demand level for 12 consecutive months. If the demand level exceeds the demand level limit of the

new schedule (GS-1), the account shall be changed back to the original schedule, and the account will be rebilled by SCE as if there had been no change of rate schedule. The demand level limit under rate schedule GS-1 is 20 kW.

Complainant's registered demand exceeded 20 kW in May 2006 and again in October 2006, thus the registered demands did not permanently drop below 20 kW, as required.

Complainant testified that SCE agreed to bill his account as GS-1 when changes were completed. SCE's witness denies this, saying SCE told complainant how to become eligible for GS-1. Consistent with the provisions of GS-2, complainant's account would become eligible for GS-1 after registered demands dropped below 20 kW for 12 consecutive months. The SCE witness said that complainant's registered demands continued to exceed the demand levels allowable under rate schedule GS-1 (20 kW), even after complainant installed his new equipment. He admitted SCE did not test its meter.

SCE has agreed that since October 2006, complainant's registered demand levels have not exceeded 20 kW. SCE has offered the complainant the opportunity to execute a Permanent Change of Operating Conditions Declaration with an effective date of October 2006.

We need not explore the intricacies of tariff interpretation regarding GS-1 or GS-2 applicability to resolve this complaint. We are concerned only with SCE's billing during June-December 2006, and we note SCE has agreed that since October 2006 complainant's demand has not exceeded 20 kW. SCE's tariff Rule 17 states:

"On Customer Request. A customer may, on notice of not less than one week, require SCE to test the meter for his service.

...

A customer shall have the right to require SCE to conduct the test in his presence or in the presence of an expert or other representative appointed by him. The results of the test will be furnished to the customer within a reasonable time after completion of the test.”

The evidence shows that complainant, on four occasions, requested a meter test of SCE’s meter. SCE was required to comply. It did not. The evidence further shows that complainant went to great expense to modify his equipment so as not to exceed a 20 kW demand. He testified he succeeded. As SCE failed to comply with its own tariff Rule 17, we hold that for the period June-December 2006, complainant should be billed under tariff GS-1. SCE shall recompute complainant’s bill and rebill him. Whether or not complainant should continue to be billed under GS-1 is not before us.

### **Assignment of Proceeding**

Dian M. Grueneich is the assigned Commissioner and Robert Barnett is the assigned Administrative Law Judge in this proceeding.

## **O R D E R**

**IT IS ORDERED** that:

1. Southern California Edison Company shall recompute complainant’s bill for the period June-December 2006, under rate schedule GS-1 and rebill him.
2. The money or deposit with the Commission shall be disbursed to complainant.
3. Case 07-06-012 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.