

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Matthew Tafoya, dba Cactus Cabinets,	
	Complainant,
vs.	
Southern California Edison Company, (U338E)	
	Defendant.

(ECP)
Case 09-12-004
(Filed December 7, 2009)

M. Tafoya for Complainant,
D. Morgan for Defendant.

DECISION GRANTING RELIEF

Complainant operates a custom cabinet business and is currently served under Southern California Edison’s (SCE) rate schedule GS-2 for service account 3-030-6883-27. Complainant was originally served under SCE’s rate schedule GS-1; however was subsequently transferred to Schedule GS-2 on June 29, 2009, for exceeding 20 kW three times in a 12-month period. Schedule GS-2 rates are higher than GS-1. Complainant says SCE erred in placing him on Schedule GS-2, he wants to be placed back on Schedule GS-1 and to be refunded the difference between the rate schedules. Public hearing was held on February 26, 2010.

While Complainant was served on Schedule GS-1, an interval data records (IDR) meter was installed to accommodate Complainant’s election of SCE’s

Net Energy Metering (NEM) program on July 22, 2008. NEM is a program designed to benefit SCE customers who generate their own electricity.

As a result of the installation of the IDR meter demand usage and data is now able to be captured and recorded on Complainant's account and posted to SCE's Customer Data Acquisition System (CDAS). Additionally, this data is captured and posted to the fourth decimal place and not rounded (e.g., 20.0160 kW). It is this demand, commonly referred to by SCE as the "Registered Demand," that determines eligibility for Schedule GS-1.

The registered Maximum Demand differs from the Maximum Demand value referenced on customers' Energy Statements. The Maximum Demand referenced on Customers' Energy Statements is a rounded number. The rounded Maximum Demand referenced is an amount displayed to the first decimal place and rounded to the whole (e.g., 20.00 kW). The rounded Maximum Demand is utilized to calculate charges and is referred to as the Billed Demand.

Complainant provided copies of his Energy Statements which display his rounded Maximum Demand amount or the Billed Demand. SCE acknowledges that the copies of Complainant's Energy Statements show a demand exceeding 20 kW only one time out of 10 months. Conversely, Complainant's Registered Demand posted to CDAS for the same time period showed Complainant exceeding 20 kW three times out of 10 months. SCE argues that the Maximum Demand reference on Complainant's Energy Statement is not the determinate that decides whether the customer has exceeded the 20 kW threshold, it is a rounded number reference to communicate a customer's Maximum Demand for a particular billing period. Therefore, in SCE's opinion, Complainant exceeded the demand threshold limit imposed by Schedule GS-1.

We disagree with SCE's position. SCE's literature states "When your monthly maximum demand has exceeded 20 kW in any three times during a 12 month period, you would no longer be eligible to take service on GS-1."

Complainant's bill shows he exceeded 20 kW only once in 12 months. The fact that SCE's computer shows that Complainant exceeded 20 kW three times in a 12-month period is not persuasive. SCE's bill to Complainant is the salient factor. It puts the customer on notice of his usage, so that he can modify his activities to reduce charges. SCE misleads its customers under its current practice.

SCE has erred in changing Complainant's rate schedule from GS-1 to GS-2. SCE shall immediately return Complainant to Schedule GS-1 and shall credit to Complainant 10% of the amount collected while he was on Schedule GS-2 (per SCE tariff).

Timothy Alan Simon 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 immediately restore Complainant to Schedule GS-1.
2. Southern California Edison Company shall credit to Complainant 10% of the amount collected while he was on Schedule GS-2.
3. Case 09-12-004 is closed.

This order is effective today.

Dated _____, at San Francisco, California.