

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PETER TYNBERG,

Complainant,

vs.

SOUTHERN CALIFORNIA EDISON
COMPANY,

Defendant.

(ECP)
Case 07-01-043
(Filed January 9, 2007)

Peter Tynberg, for himself, Complainant.
Darrah S. Morgan, for Southern California Edison
Company, Defendant.

ORDER DENYING RELIEF

Complainant seeks a refund of \$450 pursuant to Defendant’s Summer Discount Plan (Plan) because his air conditioner was subject to the Plan. Defendant denies liability, asserting that complainant was never enrolled in the Plan. Public hearing was held April 11, 2007.

Complainant testified that he purchased his home in Rancho Mirage, California in December 2004; had remodeling done to the home; and moved in in October 2005. He said that Southern California Edison Company (SCE) had previously installed an A/C cycling device on the air conditioner (a/c) compressors left by the previous homeowner to cycle the a/c compressors on/off; that when he established electrical service as of January 4, 2005 he was

unaware that the A/C cycling device remained electrically wired to his a/c compressor; that he had not enrolled in the Plan; and that his contractor told him that his a/c compressors were cycled by SCE during the summer of 2005 and he is entitled to a discount for that time period and the summer of 2006.

A witness for defendant testified that the Air Conditioner Cycling Program summer season is from 12:00 a.m. the first Sunday in June to 12:00 a.m. the first Sunday in October. Cycling is limited to 15 occurrences per year during this period. The cycling device is a small unit attached to the outside of the air conditioner. Activated by a radio signal, the device automatically turns off the air conditioner as a result of a request by the California Independent System Operator (Cal-ISO), the statewide electrical transmission authority, when electricity reserves drop to below the 5% minimum operating reserves (referred to as a Stage 2 emergency). To obtain the credit one must enroll.

The witness testified that SCE had previously installed an A/C cycling device on the a/c compressors left by the previous owner and that the A/C cycling device remained wired to the compressors when complainant took service. He said that SCE deactivated the cycling device when the previous owner moved; during the time in question SCE did not cycle the compressors.

Defendant's tariff requires a customer to apply for the Plan and complainant admits he did not do so until August 2006. It is disputed whether or not SCE actually cycled complainant's air conditioner, but we are of the opinion that the service was deactivated and SCE did not benefit from any cycling. Most importantly, complainant did not sign up for the Plan as required by tariff. The relief requested should be denied.

Assignment of Proceeding

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

IT IS ORDERED that the relief requested is denied.

Case 07-01-043 is closed.

This order is effective today.

Dated _____, at San Francisco, California.