

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED
2-25-15
04:20 PM

James Haney,

Complainant,

C1502018

vs.

Southern California Edison
Company (U338E),

Defendant.

Complaint
(Rule 4.2)

COMPLAINANT	DEFENDANT
James Marc Haney, D.D.S., M.S. 1845 N. Santa Anita Avenue Arcadia CA 91006 T1-626-353-6861 T2-626-966-5622 Email: jmhdoc@yahoo.com	Southern California Edison Company (U338E) Attn: Janet S. Combs, Esq. 2244 Walnut Grove Avenue Rosemead CA 91770 T-626-302-1524 Email: janet.combs@sce.com

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

STATE OF CALIFORNIA
 2015 FEB 13 PM 2:07
 DOCKET OFFICE (MAIL)

(A) JAMES HANEY

COMPLAINANT(S)

vs.

(B) SOUTHERN CALIFORNIA EDISON

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

COMPLAINT

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

Name of Complainant(s)	Address	Daytime Phone Number
JAMES HANEY	1845 N. SANTA ANITA AVE ARCADIA, CA 91006	(626) 353-6061

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 EDISON	P.O. Box 900 ROSEMARE, CA 91770	(800) 655-4555

(F)

Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation)

SEE "ATTACHMENT F"

(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):

SEE "ATTACHMENT G4"

(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):	04/17/2015
Hearing (Example: 7/1/09)	05/08/2015

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)

SEE "ATTACHMENT H"

(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:

JMHDOC @ YAHOO . COM

(J) Dated ARCATA, California, this 10 day of FEBRUARY, 2015
(City) (date) (month) (year)




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:	JAMES HANEY
Address:	1845 N. SANTA ANITA AVE, PACIFICA, CA 91006
Telephone Number:	(620) 353-6961
Email:	JMH001 @ YAHOO.COM
Signature	

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 Feb. 10/2015, at Arroyo, California
(date) (City)


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

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)).

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

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.



Signature

2/10/2015

Date

JAMES HANLEY

Print your name

I am filing a formal complaint against Southern California Edison for three areas where: 1. SCE violated rule GO 95, Rule 31.1 and Public Utilities Code Section 451 (SCE did not consider the potential danger of installing a non-standard distribution design (NSD), a design resulting from SCE attempting to avoid condemnation costs for the three Eucalyptus trees) resulting in equipment failure and fire ; 2. SCE violated consumer rights through abuse of power (AP); 3. SCE concealed evidence (CE) at trial in order to shield the utility from elements central to the CPUC Vargas/SCE \$23 million settlement. The three areas of complaint will be outlined below. First, a historic recap of pertinent events central to my claims will be presented.

In 2009, SCE replaced an existing insulated service drop with the construction and expansion of primary distribution high voltage conductors across 300 feet of my property in order to meet a 400 amp service need of one individual. The original SCE construction design involved condemnation of three large Eucalyptus trees on my property. I petitioned SCE directly to come up with an alternative design, either take the utility underground or install an insulated supply line to meet the demands of the one individual. In an effort to stifle my inquiry, SCE responded by imposing a non-standard, non-refundable \$7,500.00 engineering fee to examine the request (AP). I declined to pursue the \$7,500 fee as it is not a SCE procedural requirement. SCE then abandoned the Eucalyptus tree condemnation and instead, engineered a non-standard installation to circumnavigate the three trees.

I took the matter to court, whereby SCE prevailed and was given full control on the engineering, construction and maintenance of the proposed power line. SCE designed and constructed a non-conventional installation in order to avoid having to condemn and pay for the Eucalyptus trees (NSD). The non-standard design consisted of bypassing the three Eucalyptus trees via use of an alley arm, thereby placing the exposed 16 kV conductors within 24 inches of separation, not the standard 8 feet of separation. The installation did not include safety engineered features of insulated lines or branch fuses (NSD).

On Tuesday, April 8, 2013, a tree branch, listed on SCE's vegetation management manifest, broke and fell onto the exposed high voltage conductors at a point where the conductors were only separated by 4 feet, resulting in two distinct and separate fire locations. At the site of the first fire, a short circuit fault occurred (recorded in SCE's event log, and observed by eye witnesses) whereby the tree branch laid across the conductors causing a short circuit arc explosion, and overloading of a transformer down line from the contact point. Against SCE event records and eye witness accounts, SCE denied in court this occurred (AP). The conductors then separated and fell to the ground causing the first fire. The transformer immediately depowered since it was down line from the short circuit and breach. Shortly thereafter with civilians in proximity, a second arc explosion was observed, coinciding with SCE intentionally recharging the downed lines during a grid retest without onsite inspection of the condition of the downed power lines. This caused a second fire at a remote location from the first fire. On the night of the fire, I requested a formal report be generated by SCE Troublemaker James Wills. After I recounted my observation of the overloaded roaring transformer and multiple arc explosions in the

night sky, Mr. Wills refused to do as requested and did not file a detailed report on the cause of the two fires (AP).

Months later, the CPUC, upon my request, had SCE answer questions related to the fire event. The CPUC never required SCE to answer how the fires occurred. The CPUC never fully investigated the cause of the two fires; the CPUC was only interested in SCE compliance to General Order 95 with regards to compliance with the installation. SCE counsel Michael Barrett, in a punitive tone, admonished me for reporting the event to the CPUC, stating the SCE was now going to have to pay penalties for the fire event. I have confirmed that this was only threatening rhetoric (AP), and in fact, SCE was not fined for the event.

On April 12, 2013, I submitted a property damage claim to SCE. It was not until late June of 2013, only after I was forced to retained counsel to pursue the claim that SCE responded (AP). In the June response, SCE counsel Michael Barrett denied the claim on the basis that SCE did not do anything to cause the fires, and therefore were not responsible for the damages (AP, CE).

I prevailed in a Small Claims court hearing for the property damage claims. However, in February of 2014, SCE appealed the ruling and an appeal hearing was scheduled for Feb. 25, 2014. Coinciding with this trial and unknown to me or the court at the time, SCE was completing a quite settlement with the CPUC for \$23 million, referred to here as the Vargas settlement. Central to the Vargas settlement were elements central to my case.

On February 25th 2014, SCE bulldozed the appeals hearing with three attorneys, four witnesses and three legal boxes on a dolly. SCE distracted and burdened the commissioner with non-essential argument such as this matter should be heard by the CPUC, knowing full well that this was a civil case. What is more egregious: against its own evidence and exhibits submitted at trial, SCE put on erroneous testimony stating that the power lines were separated by 8 feet at the point of failure (4 feet in reality as depicted in multiple exhibit photographs) and that the tree branch that caused the lines to break, originated from the far side of the tree (north side), the side away from the power lines. However, photographic evidence shows that the tree branch originated from the south side of the tree, the side closest to the power lines, the very side SCE is responsible for maintaining. Finally, and perhaps the most blatant act of perjury, SCE submitted to the court *after trial*, late argument and testimony (without plaintiff given the opportunity to contest) that the Commissioner adopted in full in his finding of non-negligence. As per SCE counsel Mosel's *late argument and late written testimony* by Troubleman James Wills (recorded on Feb. 21st, four days before the appeal hearing, 10 months after my request for a report, and 11 days after the Vargas quite settlement), The Commissioner concluded that a large tree branch fell through the tree from the north, to the south, and tore down the power lines to the ground. SCE counsel Julia Mosel, put forth that the fire (referring only to one fire, not the two that actually occurred) was caused by electricity passively *escaping* the already downed lines. The commissioner in error, adopted this as his own finding. What the commissioner missed in Will's testimony, is that Wills admitted that the fire, in his opinion, was caused when SCE intentionally retested (recharged) the lines as they lay separated on the ground, another careless act and risk to public safety (CE). This concealed admission to cause was not weighed or addressed by the court. At the end of the day, Michael Barrett's

reason for rejecting my property damage claim in the first place was that SCE did nothing to the cause fire, and goes against the facts that SCE employee Will's testimony admits to as cause (AP).

It is clear from SCE's court maneuvers that SCE went to great efforts to cover-up the cause of the first fire: a tree branch lay across the exposed conductors in a non-conventional installation, causing a short circuit arc and fire (CE). At trial, SCE went on to conceal the cause of the second fire: the intentional recharging of downed power lines (CE). The production of erroneous testimony to the court occurred uncomfortably close to the quite Vargas settlement. It is not by coincidence in time, or show of force at the appeals hearing, that SCE acted in a dishonest and nefarious manner to cover-up key elements central to my case. This charge bears investigation by the CPUC for misconduct on the part of SCE.

Summary: SCE's actions regarding the design, installation and maintenance of the primary distribution line were careless and resulted in a unnecessary risk to public safety.

The facts remain, In efforts to avoid condemnation costs of three Eucalyptus trees and against my requests for a safer installation (insulated lines or underground installation), SCE designed and installed a non-conventional primary distribution line without taking into account the increased risk of fire. SCE violated GO 95, Rule 31.1 and Public Utilities Code Section 451, by failing to properly consider the potential significance of a non-conforming installation in designing, constructing, or maintaining the facilities that were involved in the April 8, 2013 incident by preventing them from failing in the manner that occurred (prevention through proper tree trimming, or power line protection via insulation, branch fuses, or installing underground). Two fires resulted as a violation of these codes.

It is clear from the history of the installation of the primary distribution system in 2009, that SCE was abusive in its handling of my concerns (design/safety concerns, property damage claims). It is clear that if additional safety measures were engineered into the non-conventional design, (insulated conductors, fuses, or underground installation) that a fire would not have occurred if a tree branch fell into contact with the exposed conductors. It is clear from the evidence and concealed admission to cause that SCE was trying to cover-up the primary cause of the fire event (short circuit event).

I respectfully request a thorough investigation into these charges.



J. Marc Haney

Attachment G (4)

1. SCE wrongfully denied Haney's property damage claim of April, 2013 on the basis that SCE did not do anything to cause the fire. However, new evidence in the sworn testimony from SCE employee James Will's in February of 2014 admits that SCE caused the fire through intentional recharging of the downed power lines.
2. From 2009 -2014, SCE used its power to abuse resident Haney through: 1. Ignoring requests to alter the installation design of a dangerous non-standard system; 2. Placing road blocks for Haney to seek an alternative design by denying Haney's request for project data; 3. Erroneously denying Haney's first property damage claim for a damaged wall, later to be paid after legal involvement; 4. First delaying, and ultimately erroneously denying Haney's property damage claim for damages resulting from fire; 4. Erroneous admonishment from SCE counsel Barrett regarding lying about SCE having to pay fines as a result of my request to have the CPUC investigate the fire event of 2013; 5. Fraudulent testimony at trial against SCE event records, causing Haney to suffer an adverse outcome.
3. SCE conspired in court to shield itself from elements in Haney's case that were identical to those in the Vargas settlement.

Attachment H

1. Haney requests relief from the CPUC commission by having: 1. SCE pay for property damage sustained by the April 2013 fire event; 2. SCE reimburse Haney for all costs incurred from the wrongful denial of the original property damage claim including attorney's fees, court costs, damage costs, the costs to Haney for SCE's bad faith appeal to the court, and all costs associated with the burden of bringing this matter before the Commission: the approximate costs incurred from the fire event and SCE's abusive behavior is approximately \$19,000.00. Itemization available on request.
2. Haney requests that SCE be investigated for fraudulent activity put forth with the intent to deprive Haney of his claims, AND with SCE's intent to conceal from the court and the CPUC relevant elements that were in violation of public safety codes.
3. If the fraudulent charges are outside of the jurisdiction of the CPUC, then I request relief by having he CPUC file charges against SCE with the District Attorney of Los Angeles County, or higher court if deemed warranted.

**J. Marc Haney, D.D.S., M.S.
Periodontics/Implants A.D.C.
166 West College St. Ste. B
Covina, CA 91723
(626) 966-5622
Fax: (626) 966-8570**

02/10/2015

California Public Utilities Commission

Subject: Cover Letter, Formal Complaint against Southern California Edison

Dear Commission,

Please find attached a formal complaint against Southern California Edison for their abusive behavior towards a consumer from 2009 through 2014, actions that ultimately resulted in causing a threat to public safety.

In the complaint you will find charges of abuse in how SCE stifled homeowner Haney in SCE's efforts to construct a non-standard primary distribution leg across Haney's property. In the process, SCE ignored Haney's concerns about the magnitude, scope and safety of a non-standard installation. The non-standard installation resulted from SCE not wanting to pay Haney for condemning three large eucalyptus trees that were in the direct line of construction of the power line. As a result, SCE constructed the least expensive and least safe non-standard installation that ended up failing, causing fire, risk to public safety and property damage.

During the 2009 to 2014 period, SCE denied two property damage claims from Haney. The first occurred during the installation of the line in 2009 where SCE broke Haney's wall, incurring \$8000.00 in damage. Haney had to retain counsel to recover damages. This took over six months. The second property damage claim occurred in 2013 following the fire that resulted from the failure of the non-standard installation and maintenance of the primary conductor line. SCE denied payment for damages on the basis that SCE did not do anything to cause the fire. But, as you will see, SCE concealed admission to cause until after trial of a fact that was known to them: SCE employee Will's admitted that the fire resulted from SCE intentionally recharging

RECEIVED
PUC
STATE OF CALIFORNIA
2015 FEB 13 PM 2:57
DOCKED OFF FILE

downed power lines without inspection. This goes against SCE counsel Michael Barrett's reason for denying the claim.

Finally, you will see that the timing of the causation cover-up coincides with the quite settlement between SCE and the CPUC's Vargas \$23 million dollar settlement. The facts are clear that SCE was proactive in covering-up the main cause of my fire event. Details to this cover-up did not become clear until 6 months after my lost small claims appeal hearing when the settlement details were made known to the public in August of 2014.

No consumer should have to suffer at the abusive hands of a public utility as I have suffered. Please take the following charges seriously.

A handwritten signature in black ink, appearing to read 'J. Marc Haney', with a long horizontal stroke extending to the right.

J. Marc Haney, DDS, MS