



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

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Gregory Joseph Schaeffer and Alesha Kaye)
Schaeffer,)
)
Complainant,)
vs.)
)
Southern California Edison Company (U 338-E),)
)
Defendant.)
_____)

ECP C.20-12-004
(Filed December 9, 2020)

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

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State Regulatory Operations

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Dated: January 8, 2021

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STATE OF CALIFORNIA**

| | | |
|-----------------------------------------------|---|--------------------------|
| Gregory Joseph Schaeffer and Alesha Kaye |) | |
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**SOUTHERN CALIFORNIA EDISON COMPANY’S (U 338-E)
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**I.
INTRODUCTION**

Pursuant to Rule 4.4 of the California Public Utilities Commission’s (CPUC’s or Commission’s) Rules of Practice and Procedure, Southern California Edison Company (SCE) respectfully submits this Answer to the Complaint of Gregory Joseph Schaeffer and Alesha Kaye Schaeffer henceforth identified as “Complainants.”

The subject of this Complaint originated as an Informal Complaint filed with the Commission on August 24, 2020.¹ SCE provided a response on October 2, 2020. Complainants then filed an Expedited Formal Complaint on December 9, 2020. All claims arise out of the same operative facts and assert the same allegations.

Complainants allege that: (1) their account was erroneously billed with the Generation fees from Clean Power Alliance (CPA), (2) SCE has not provided documentation, including credit information, for any net generation for 2019 to present, (3) “return to energy generation provided

¹ CPUC File No. 517977.

under SCE from CPA,² and (3) request the removal of \$1,243.70 for Generation charges billed on behalf of CPA.

II.

SUMMARY

Complainants are served under SCE's Schedule D, *Domestic Service*,³ since August 21, 2009, and are also served under SCE's Schedule NEM, *Net Energy Metering* effective February 2, 2011 for their wind powered Renewable Electrical Generating Facility. Complainants allege that SCE overbilled their account in the amount of \$1,243.70 for the 12-month Relevant Period of February 2018 to February 2019 for electricity consumed at the address of 50854 Spring Valley Road, Lancaster.

On February 1, 2019, the Complainants' account was transferred to Community Choice Aggregation Service (CCA Service) with CPA as their Community Choice Aggregator (CCA), via the Automated Enrollment process.⁴ This process allowed for CPA to start providing Generation service to its customers.

On September 12, 2019, Complainants were sent a letter from SCE informing them of a delay in billing their charges due to a technical issue that arose when the software for collecting data from

² Complainants will have to contact CPA directly in order to return to Bundled Service. Bundled Service is defined in SCE's Rule 1, *Definitions*, as electric power, transmission, distribution, billing, metering and related services provided by SCE.

³ Schedule D is considered the Complainant's Otherwise Applicable Tariff or OAT. All energy-related charges that are billed to Complainant are billed in accordance with Schedule D.

⁴ SCE's Rule 23: General Term, Section B.20. Automatic Enrollment: Automatic Enrollment is the process whereby a CCA can automatically enroll an eligible SCE customer in CCA Service. Customer participation in CCA Service may not require a positive written declaration, but all customers shall be informed of their right to opt-out of CCA Service. If no negative declaration is made by the customer during the 60-day initial notification period or the 60-day follow-up notification period, the customer shall be served through the CCA's CCA Service. Automatic Enrollment is the transfer of a customer's service account to CCA Service with no action taken by the customer to initiate the transfer.

the meter was updated. This issue did not affect the accuracy of the bills, but it did delay the delivery of the bills.

On July 23, 2020, Complainants received an electric statement (i.e., electric bill) for service from August 25, 2017 to July 6, 2020 in the amount of \$4,804.60. This bill was the culmination of the delayed bills; however was released prematurely and only contained adjustments through 2019 for SCE charges and did not address 2020 charges. This amount also included the Generation charges from CPA for February 1, 2019 to July 6, 2020.

On August 12, 2020, Complainants were sent an electric statement for service from July 6, 2020 to August 4, 2020 in the amount of \$82.54.

On September 26, 2020, Complainants' account was rebilled in order to remove the SCE Generation charges for 2020 that were inadvertently included when CPA was providing this service. This rebill resulted in an adjustment of -\$3,886.79, leaving a balance of \$1,000.35.

On October 14, 2020, Complainants were sent an electric statement in the amount of \$1,243.70. This amount included the prior balance of \$1,000.35 and current charges for SCE and CPA charges for the September 2, 2020 to October 5, 2020 time frame.

On October 15, 2020, SCE tested the Complainants' meter on its own accord in order to confirm its accuracy. The Complainants' meter tested within Commission guidelines and internal quality assurance measures;⁵ thus, for all intents and purposes, the meter is functioning and measuring accurately. In addition, SCE's testman noted the Complainants have a 400 amp service with a meter only rated for 200 amps, therefore the meter was changed to match the 400 amp service at the property. This meter change did not affect the registration of usage.

⁵ SCE's Rule 17.C.1., Adjustment of Bills for Meter Error, provides that, "[i]f a meter found to be registering more than 2% fast, SCE will refund to the customer the amount of the overcharge based on corrected meter readings or SCE's estimate of the energy usage either for the known period of meter error or, if the period of error is not known, for the period during which the meter was in use. Refunds for fast meters cannot exceed three years."

SCE avers the Complainants' account was rebilled to remove the SCE Generation charges for the 2020 time period in accordance with SCE's Rule 17, Section D.⁶ However it is important to note the Generation charges from CPA are not eligible for an adjustment as outlined in SCE's Rule 17, these charges continue to be billed and applicable to the Complainants from the date Generation services were provided by CPA (e.g., February 2019); therefore, any adjustment or credit concerns held by the Complainants should be directed to CPA because the provisions of SCE's Rule 17 do not apply to CPA charges.⁷

Regarding Complainants request to "return to energy generation provided under SCE from CPA," in accordance with the provision of SCE's Rule 23, Section L.2., Complainants will have to initiate the request directly with the CPA.⁸

SCE avers that it has complied with all applicable laws, regulations, rules, orders, and tariffs with respect to the matters at issue in the Complaint. Furthermore, the Commission has reiterated in various decisions, it is the customer's responsibility to prove that the billing was improper.⁹ Therefore, SCE respectfully requests that the Commission dismiss this Complaint.

⁶ SCE's Rule 17.D states ...Where SCE overcharges or undercharges a customer as the result of a Billing Error, SCE may render an adjusted bill for the amount of the undercharge, and shall issue a refund or credit to the customer for the amount of the overcharge for the period of the Billing Error, but not exceeding three years in the case of an overcharge for all service accounts, and, in the case of an undercharge, not exceeding three months for residential service to a SCE-metered Single Family Dwelling,...

⁷ See Attachment A, CPUC closure letter for file No. 517977.

⁸ SCE's Rule 23. L. CCA Customers Switching Rules: 2. Customers Automatically Enrolled in CCA Service Returning to Bundled Service after the Follow-up Notification Period. Former Bundled Service Customers that have been Automatically Enrolled in CCA Service returning to Bundled Service after the Follow-up Notification Period must provide SCE with a six (6)-month advance notice and are subject to the terms and conditions of Bundled Portfolio Service (BPS) as set forth below..

⁹ See D. 14-08-044, at p. 6, "...The Commission has reiterated this rule in numerous billing complaint cases; this controlling principle is well summarized in *Kent vs SCE*, 2000 Cal. PUC LEXIS 185: When a customer complains that a utility has overbilled for electricity, the burden of proof rests on the complainant to show that the bill was improper..."

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:

A. Answering Section (F) of the Formal Complaint form:¹⁰

a) With respect to Complainant's allegation: **"This formal complaint is to request a reopening and further investigation into case file 517977 and the Southern California Edison (SCE) electrical utility billing to 50854 Spring Valley Rd. The file case was deemed resolved when Edison was requested to remove an erroneous August 2020 bill of \$4887.14 to a present balance of 1243.70 explaining that the remaining fee was related to power generation fees from Clean Power Alliance."** SCE avers on July 23, 2020, it had sent an electric statement for service from August 25, 2017 to July 6, 2020 in the amount of \$4,805.60. This statement also included charges from CPA for the billing period February 1, 2019 to July 6, 2020. This statement was released prematurely however and only contained adjustments through 2019 for SCE Generation charges and did not address 2020 charges. The account was subsequently rebilled and resulted in an adjustment of -\$3,886.79. The remaining charges amounted to \$1,000.35 and were primarily related to CPA Generation charges. The statement generated on October 14, 2020 includes charges for a subsequent bill for both SCE and CPA charges as well as the balance of \$1,000.35.

b) With respect to the Complainant's allegation: **"We continue to dispute this as the wind energy production system on our property has generated in excess of our utility usage for the**

¹⁰ "Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation)."

preceding 9 years of operation and when questioned about the generation versus consumption SCE was unable to produce an accurate statement showing any net generation. SCE was then requested to inspect the digital “smart” utility meter which was installed in 2019 with a technician indicating the meter that was not capable of transmitting the contained data and on review the meter showed over 6000 kWh delivered to SCE beyond the home’s usage. The technician installed an additional antenna to increase the range of the digital meter and indicated this would allow SCE to “accurately determine the usage or generation in our case.’ After repeated requests SCE fails to produce proof of energy usage or generation for the 2019 period in question while demanding the outstanding balance for Clean Power Alliance.” SCE avers it has provided the Complainants information regarding their Net Generation. The graphic below is an excerpt from their May electric statement.

| Your past and current electricity usage | | Electricity (kWh) |
|-------------------------------------------|--|-------------------|
| 05/04/20 to 06/03/20 | | |
| Consumption | | 1,342 |
| Net Generation | | -1,037 |
| Total electricity usage this month in kWh | | 305 |

Your next billing cycle for meter 222014-094107 will end on or about 08/04/20.

Consumption is the total amount of electricity imported from SCE.

Net generation is the amount of excess electricity exported to the grid by your generating system.

Total electricity usage is your system's total net generation minus your total consumption.

SCE also avers it did not install a new meter in 2019; however, it did test the Complainants’ meter in October of 2020 and found it to be registering within CPUC-approved guidelines, and did change out their 200 amp meter with a 400 amp meter in order to accommodate the service size of 400 amps and also installed the antenna.

To address the Complainant’s statement regarding “on review the meter showed over 6000 kWh delivered to SCE beyond the home’s usage,” SCE confirms from April 2019 to April 2020, a total of 9,267 kWh of Net Generation was reflected on Complainants’ electric statements. In

addition, SCE has provided information regarding the Complainants' consumption and net generation as indicated on the graphic above.

c) With respect to the Complainant's allegation: **"The complaint is that SCE is not accurately recording and billing the energy usage or generation of our residence since the replacement of the energy metering device in 2019. Further SCE is defrauding a citizen of generated energy, which they are conducting to other customers and receiving compensation for, at our expense."** SCE affirms that on October 15, 2020, it tested the Complainants' meter to confirm its accuracy. The Complainants' meter tested within Commission guidelines and internal quality assurance measures. Therefore, for all intents and purposes, the meter is considered to be functioning and measuring accurately.

d) **Answering Section (G)(4) of the Formal Complaint form:**¹¹

To the extent that Section (G)(4) contains any allegation requiring a response that is not addressed elsewhere in this Answer, any such allegation is denied.

B. Answering Section (H) of the Formal Complaint form:¹²

With respect to Complainant's requested relief, **"Removal of the \$1243.70 utility fee, documentation of credit of any net generation for 2019 to present and return to energy generation provided under SCE from Clean Power Alliance."** SCE avers that the Complainants are not due any additional credit for SCE charges. SCE has provided the appropriate documentation regarding Net Energy Metering consumption and net generation for 2019. Moreover, Complainants will have to contact CPA directly in order to return to

¹¹ "The issues to be considered are (Example: The utility should refund the overbilled amount of \$78.00)."

¹² "Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)."

Bundled Service provided by SCE. Any other allegations requiring an answer contained in the Complaint not addressed elsewhere in this Answer are denied.

IV.

AFFIRMATIVE DEFENSES FIRST, SEPARATE AND AFFIRMATIVE DEFENSE

Affirmative Allegations

SCE re-alleges and incorporates herein each affirmative allegation set forth above.

SECOND, SEPARATE AND AFFIRMATIVE DEFENSE

Failure to State a Cause of Action

Complainants failed to state facts sufficient to constitute a cause of action for relief against SCE.

THIRD, SEPARATE AND AFFIRMATIVE DEFENSE

Compliance with all Applicable Tariffs, Rules, Regulations and Laws

Complainants are barred from recovery because SCE complied with all applicable rules, laws, regulations, and tariffs and all applicable Domestic Service rate schedules.

FOURTH, SEPARATE AND AFFIRMATIVE DEFENSE

Proximate Intervening Cause

If the Complainants suffered any injury as alleged in the Complaint, which SCE specifically disputes and denies, the intervening and superseding actions and/or inactions of Complainants or some other person or entity other than SCE proximately caused such injury in whole or in part.

FIFTH, SEPARATE AND AFFIRMATIVE DEFENSE

Failure to Mitigate

Complainants failed to mitigate their injury, if any.

SIXTH AFFIRMATIVE DEFENSE

Mootness

Relief requested in the Complaint is already being provided through SCE's actions taken to resolve the issue in dispute.

WHEREFORE, SCE prays:

The Complaint be dismissed without prejudice since the requested relief has been addressed.

Respectfully submitted,

/s/ Prabha Cadambi

By: Prabha Cadambi

SOUTHERN CALIFORNIA EDISON COMPANY

8631 Rush Street

Post Office Box 800

Rosemead, California 91770

Telephone: (626) 302-8177

Facsimile: (626) 302-2990

January 8, 2021

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 day of January 7, 2021, at Rosemead, California.

/s/ Carla Peterman

Carla Peterman
Senior Vice President, Regulatory Affairs
SOUTHERN CALIFORNIA EDISON COMPANY
8631 Rush Street
PO BOX 800
Rosemead, CA 91770

Attachment A

CPUC Closure Letter for file No. 517977

PUBLIC UTILITIES COMMISSION

320 W. 4th STREET, SUITE 520
LOS ANGELES, CA 90013



October 23, 2020

Mr. and Mrs. Schaeffer
50854 Spring Valley Rd
Lancaster CA 93536

Subject: Commission File No: 517977 for Complaint with Southern California Edison Company

Dear Mr. & Mrs. Schaeffer:

The Consumer Affairs Branch (CAB) of the California Public Utilities Commission has reviewed your complaint against **Southern California Edison Company (SCE)**. Through this review **SCE** has informed CAB that they have contacted you and resolved your concerns.

You submitted a complaint to our office disputing a high bill. Per your complaint, in July 2020, you received a statement for energy used from February 2019 through February 2020. In addition to disputing this backbill, you mentioned that your meter was also malfunctioning; therefore, the energy you were billed for could not be correct. SCE informed our office that after a thorough investigation, it was determined that CPUC approved Rule 17 was not applied to your account. The application of Rule 17 for energy used from February 1, 2019 through September 2, 2020 resulted in a credit of \$3,886.79. Your new balance, due on November 2, 2020, is \$1,000.35. Please be advised that Rule 17 does not apply to Clean Power Alliance; therefore, the billed charges are valid.

As a result of this favorable information, we are closing your complaint in our files. However, if you believe your complaint has not been resolved properly, please contact CAB and reference your assigned file number **517977** and a representative will assist you further. We appreciate the opportunity to assist you.

Sincerely,

B. Berry
Consumer Affairs Branch
1-800-649-7570