

Decision 21-03-028 March 18, 2021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Gregory Joseph Schaeffer and Alesha
Kaye Schaeffer,

Complainants,

vs.

Southern California Edison Company
(U338E),

Defendant.

(ECP)
Case 20-12-004

Gregory Schaeffer and Alesha Schaeffer,
for themselves, Complainants.

Prabha Cadambi for Southern California Edison
Company, Defendant.

**DECISION DENYING RELIEF
AND DISMISSING COMPLAINT**

Summary

Complainants, Gregory Schaeffer and Alesha Schaeffer, have an account with Southern California Edison Company (SCE) for electricity service to their residence in Lancaster, California. Complainants request credit for the generation of electricity from their wind turbine system to offset SCE's bill of \$1,243.70 for electricity usage charges as of October 5, 2020.

We conclude by a preponderance of the evidence that Complainants have not provided sufficient evidence that SCE violated any applicable rule, law or tariff governing the accuracy of SCE's charges. Accordingly, the request for relief is denied, and the complaint is dismissed.

1. Background

Southern California Edison Company (SCE) provides electricity to the Schaeffers at 50854 Spring Valley Road in Lancaster, California where they have resided since 2009. SCE provides electricity to the Schaeffers according to SCE's Schedule D, Domestic Service tariff.¹ Since 2011, the Schaeffer's have generated electricity using a wind turbine and participated in SCE's Net Energy Metering program (NEM).²

The Schaeffers' wind turbine system is connected to the SCE grid through an SCE meter. This meter records the net electricity usage equal to the customer's total net consumption minus the customer's total net generation.³ The consumption reported on SCE's bill is the amount of electricity imported from SCE's electric grid. This is a positive number when a customer with a NEM account is using more electricity than they are generating. The net generation is the amount of excess electricity exported to the grid by the customer's generating system, in this case, the Schaeffers' wind turbine.⁴ The negative numbers on the Schaeffers' bills reflect the months when the Schaeffers generated more electricity than they used.

¹ Answer to Complaint at 3.

² <https://www.cpuc.ca.gov/NEM/>.

³ Exhibits SCE-1 through SCE-5, containing monthly bills.

⁴ Exhibit SCE-1 through Exhibit SCE-5.

Mr. Schaeffer stated that for several years prior to the period in dispute, the amount of net electricity generated by the Schaeffers' wind turbine fully offset the Schaeffers' net electricity consumption on an annual basis.⁵ However, over time, the Schaeffers increased their energy consumption, for example, by installing a tankless electric water heater.

The Schaeffers' wind energy generation system lacked the ability to regularly measure and record the total electricity generated and the total electricity consumed on the Schaeffers' side of the electric meter. SCE's electric meter did not record this information either. SCE's electric meter only records the net electricity exported to the grid and the net electricity imported from the grid.

On February 1, 2019, the Schaeffers' electrical service account automatically included Clean Power Alliance's (CPA's) Community Choice Aggregation (CCA) service. Prior to February 2019, SCE offset the net electricity generated by the Schaeffer's wind turbine against their net electricity consumption on a 12-month billing cycle. After February 1, 2019, SCE's monthly bills did not reflect any difference in billing as a result of the Schaeffers' automatic enrollment in CPA's service. Nor did SCE's bills report an annual settlement or true-up by CPA of the Schaeffer's electricity generation or consumption.⁶

On September 12, 2019, SCE sent the Schaeffers a letter informing them of a delay in billing due to a software update.⁷

⁵ Schaeffer Complaint at 8.

⁶ The Schaeffers have contacted CPA to switch back to SCE's service, so that the Schaeffers' generation and consumption charges will return to being settled or trued-up on an annual basis.

⁷ Answer to Complaint at 3.

On SCE's July 23, 2020 statement, SCE billed the Schaeffers for \$4,804.60 in electricity usage charges for the period from August 25, 2017 to July 6, 2020.⁸

On SCE's September 26, 2020 annual statement, SCE credited the Schaeffers \$3,886.79. The Schaeffers received these credits due to 1) SCE removing SCE charges from the period when CPA provided service, 2) adjustments made because SCE's meter was not communicating its measurements to SCE,⁹ and 3) the requirement of SCE Rule 17 of the Commission's Rules of Practice and Procedure (Rules) prohibiting adjustments for undercharges exceeding three months.¹⁰ This statement left a remaining balance owed by the Schaeffers to SCE in the amount of \$1,000.35.¹¹ After adding additional charges for September 2020, SCE's bill increased to \$1,243.70 as of October 5, 2020.¹²

On October 15, 2020, SCE technicians tested the Schaeffers' electric meter. Inspection of the meter showed that SCE's meter was not transmitting data to SCE properly. SCE fixed this problem by installing an additional antenna.¹³ Tests also showed that SCE's meter recorded the Schaeffers net energy

⁸ Answer to Complaint at 4; Exhibit SCE-1 at 3.

⁹ Schaeffers Exhibit-1 showing a communication error.

¹⁰ SCE's Rule 17.D., Adjustment of Bills for Billing Error, provides that, "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..., in the case of an undercharge, not exceeding three months ..." https://library.sce.com/content/dam/sce-doclib/public/regulatory/tariff/electric/rules/ELECTRIC_RULES_17.pdf.

¹¹ Answer to Complaint at 4.

¹² Answer to Complaint at 4; Exh. SCE-4.

¹³ Complaint at 8, Answer to Complaint at 4, and Exhibit SCE-6.

generation and electricity consumption accurately within Commission guidelines and internal quality assurance measures.¹⁴

2. Complainant's Contentions

The Schaeffers allege that SCE has not accurately recorded and credited the Schaeffers for electricity generated by their wind turbine system from August 25, 2017 to October 5, 2020 resulting in the Schaeffers being overcharged for electricity usage in the amount of \$1,243.70.¹⁵ The Schaeffers allege that SCE's accounting of the electricity generated by the Schaeffers' wind turbine system is inaccurate because it has historically generated electricity in excess of the amount the Schaeffers consumed.

3. Defendant's Contentions

SCE denies Complainants' allegations and alleges that 1) SCE has complied with all applicable tariffs, and 2) Complainants have not met their burden to show SCE's meter charges were inaccurate.¹⁶ As a result, SCE requests dismissal of this Complaint.¹⁷

4. Discussion

The Schaeffers initiated their complaint in July 2020 after receiving SCE's July 23, 2020 statement in the amount of \$4,804.60. In response, SCE inspected its meter and corrected its communication problem. Due to the meter communication delays, SCE adjusted the Schaeffers' bill in the amount of \$3,886.79 in accordance with SCE Rule 17.

¹⁴ Exhibit SCE-6 at 3.

¹⁵ Complaint at 8.

¹⁶ Decision 14-08-044 at 6; 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..."

¹⁷ Answer to Complaint at 5.

The remaining question is whether or not any tariff requires a further adjustment in the Schaeffers' bill for any electricity generated by Complainants' wind turbine system in excess of the electricity the Schaeffers consumed. The answer to that question is no for a number of reasons.

First, the Schaeffers' undocumented recollection of how their system exceeded their energy consumption in years prior does not document their electricity generation and consumption for the period in question. In addition, the Schaeffers' limited meter readings do not contradict the more detailed evidence produced by SCE attesting to the accuracy of SCE's meter.

Second, the Schaeffers have not ruled out other possible explanations, such as that the Schaeffers electricity consumption had increased to some degree.

Finally, the Schaeffers' were unable to demonstrate how well their system met their electricity demand because their wind turbine system does not provide a detailed account of the amount of electricity it generates. Nor do the Schaeffers have equipment to sufficiently document the electricity they consumed on their side of SCE's electric meter. SCE's electric meter only records the net electricity exported to the grid and the net electricity imported from the grid.

Accordingly, we conclude that no further billing adjustments are required by any tariff applicable to SCE,¹⁸ and Complainants' request for relief is denied. The case is closed.

¹⁸ This decision does not cover any claim the Schaeffers may have against CPA for lack of compliance with tariffs applicable to CPA during the period from February 2019 to the present. SCE Rule 23, section P requires SCE to send a consolidated bill, containing both SCE and CCA charges, to the customer based on billing information CPA provides to SCE. Since CPA credits and charges are included on SCE's consolidated bill, any claim against CPA should be filed jointly against CPA and SCE.

5. Assignment of Proceeding

Clifford Rechtschaffen is the assigned Commissioner and John H. Larsen is the assigned Administrative Law Judge and Presiding Officer in this proceeding.

6. Waiver of Comment Period

Pursuant to Rule 14.7(b), the 30-day public review and comment period required by Section 311 of the Public Utilities Code and the opportunity to file comments on the proposed decision is not applicable in Expedited Complaint Proceedings. Accordingly, this matter was placed on the Commission's agenda directly for prompt action.

O R D E R

IT IS ORDERED that:

1. Complainants are responsible for the Southern California Edison charges for electricity provided to 50854 Spring Valley Road in Lancaster, California in the amount of \$1,243.70 as of October 5, 2020.
2. Defendant may take any and all collection and or service termination actions authorized in its tariffs.
3. All other requests for relief are denied.
4. Case 20-12-004 is closed.

This order is effective today.

Dated March 18, 2021, at San Francisco, California.

MARYBEL BATJER

President

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE HOUCK

Commissioners