

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

Anton Callaway,)	
)	
Complainant,)	ECP C.23-09-004
)	(Filed September 8, 2023)
vs.)	
)	
Southern California Edison Company (U338E),)	
)	
Defendant.		

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

ROBERT ROJAS
State Regulatory Operations

SOUTHERN CALIFORNIA EDISON COMPANY

8631 Rush Street
Post Office Box 800
Rosemead, California 91770
Telephone: (626) 302-0274
Email: Robert.1.Rojas@sce.com

Dated: November 2, 2023

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

Anton Callaway,)	
)	
)	
Complainant,)	ECP C.23-09-004
)	(Filed September 8, 2023)
vs.)	
)	
Southern California Edison Company (U338E),)	
)	
<u>Defendant.</u>		

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

I.

INTRODUCTION

Pursuant to Rule 4.4 and 11.6 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 with the previously granted extensions to the Complaint of Anton Callaway henceforth identified as “Complainant.”

The subject of this Complaint originated as an Informal Complaint filed with the Commission on January 24, 2023.¹ SCE provided a response on June 1, 2023. Complainant then filed an Expedited Formal Complaint on September 8, 2023. All claims arise out of the same operative facts and asserts the same allegations.

Complainant established service with SCE on September 18, 2019, and began participating in Schedule NEM-ST. with Paired Storage on May 29, 2020. Complainant’s solar

¹ CPUC File No. 578410

company provides energy production reports and when compared to his SCE bills, Complainant alleges that SCE is giving him less credit than what his solar system is producing. Complainant has requested (1) “a fair resolution of this case has to include, at a bare minimum, a thorough investigation by an independent third party to monitor a representative sample of rooftop solar and rooftop solar + battery customers’ net export to the grid and import from the grid over several billing cycles and comparing that data to the data SCE uses to generate bills. In those cases where significant discrepancies are found, the investigation should determine the root cause of said discrepancies and this source of error should be corrected. If similar discrepancies that I have found at our home are widespread, millions of dollars that rightly belong to California customers is being siphoned into SCE accounts,” (2) “affected customers should be notified of the error and compensated accordingly,” and (3) “SCE owes us \$791.26 for the combined effects of the power that we did not use that they have falsely stated we did and the power that we provided to the grid, but for which SCE did not compensate us.”

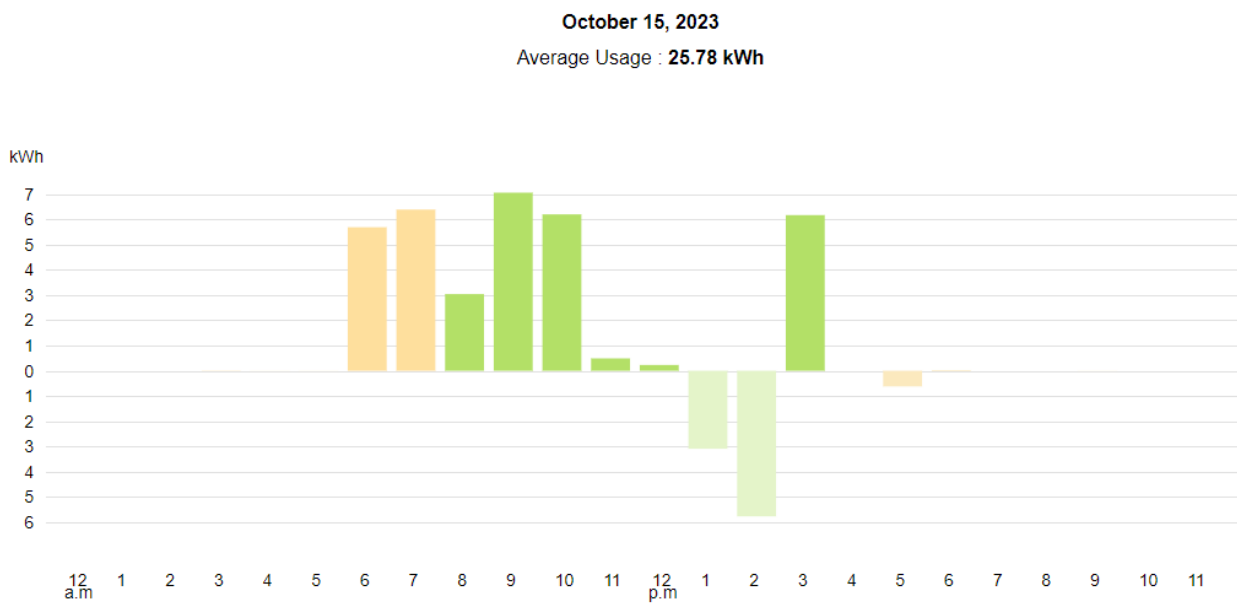
II.

SUMMARY

Complainant asserts that SCE has a systemic and significant discrepancy between the SCE data from his power usage & production and the data from his solar monitoring equipment. SCE disagrees with the assertions and further avows the billing is consistent with SCE’s applicable and approved tariffs.

In explanation, Complainant is served under SCE’s residential rate, Schedule TOU-D, *Time-of-Use Domestic, Prime*, as well as participating in Schedule NEM-ST with Paired Storage. When participating in Schedule NEM-ST, the SCE meter measures the amount of kilowatt-hours (kWh) of electricity the Complainant consumes from SCE and the amount of electricity sent back to the electric grid (i.e., exported) when the Complainant’s generation exceeds the on-site demand the Complainant consumes in real time. SCE obtains the Complainant’s usage once a month and records the net amount of energy either

consumed or exported over the entire month. Paired Storage systems are directly connected energy storage devices (i.e., back-up batteries) and considered an enhancement to the solar system and not a separate generating facility for the purposes of applying costs exemptions. According to the Complainant, each day he diverts his solar generation to his batteries for several hours and once his batteries are full, the solar system excess generation is sent back to SCE’s grid. On a regular basis, the Complainant draws electricity from his batteries from approximately 5:00 p.m. until 6:00 a.m. the next day. However, SCE records indicate these hours vary from day to day. The usage diversion allows the Complainant to have zero usage from SCE between the timeframes referenced above. The graphic below provides an illustration of the usage diversion on Sunday, October 15, 2023.



Each month, the Complainant can either be a net consumer or a net producer of electricity. If the Complainant consumes more electricity from SCE than he exports back to the grid, he is considered a “net consumer” and will be billed for the amount of electricity consumed less the amount exported to the grid. For example, if the Complainant consumed 500 kWh but exported 200 kWh to the grid, he would be billed for 300 kWh of energy

charges pursuant to his rate schedule, Schedule TOU-D Option PRIME. In contrast, if the Complainant consumed 500 kWh but exported 700 kWh to the grid, he would be considered a “net producer” and credited with 200 kWh of energy credits and this would appear as -200 kWh on the bill. Energy charges and/or energy credits for net energy exported are accumulated over the course of a 12-month Relevant Period and carry over or accumulate until the end of the Relevant Period. The purpose for this accumulation of charges/credits over a 12-month period is for the possibility of energy charges being offset by the energy credits. The 12th bill is referred to as the Settlement Bill, and essentially settles the difference between the charges and credits. Based on the Complainant’s concerns, it is exactly this netting process that is being misunderstood - the energy he produces, minus the energy he consumes, equals the net energy. The energy production reports from the Complainant’s solar company will show a greater production amount than what the SCE bill displays because the Complainant’s SCE bill contains the net amount.

Consistent with provisions contained within Schedule NEM-ST, SCE provides all customers served under Schedule NEM-ST with net energy consumption and net energy export information with each monthly bill.² In addition, the monthly non-related energy charges (e.g., customer charge, basic charge, minimum charges, demand charge) are applicable and due monthly regardless of the customer’s monthly net energy consumption or export. Furthermore, the monthly bill also displays the accrued energy charges owed to SCE or accrued energy credits until the end of the Relevant Period.³

When the Complainant’s onsite consumption increases, his excess generation decreases. The opposite occurs as well in that when his onsite consumption decreases, his excess generation increases. The chart below is the Complainant’s monthly consumption

² Schedule NEM-ST, Special Condition 4.a.

³ Schedule NEM-ST, Special Condition 4.c.

and generation activity from May 27, 2022, to October 24, 2023, and this information provides a pertinent piece of information. Specifically, the increase in onsite consumption (i.e., usage) and the reduction in generation during November 29, 2022, through March 27, 2023. It is reasonable to assume that the Complainant’s solar inverter may have been down or not functioning properly due to a power outage/voltage abnormality. To support this assumption, on December 29, 2022, Complainant contacted SCE’s customer service department stating there was a discrepancy with how the SCE meter measures his usage. Subsequently, on January 6, 2023, the Complainant’s meter that measures consumption and generation was tested. The meter was found to be registering within Commission-approved guidelines for accuracy as set forth in SCE’s Rule 17.C.1.⁴

Contract	NEM Month	Billing Document	BP start	End bill. per.	Total Bill Amount	Rate Cat.	NEM Rate	Consumption kWh	Generation kWh
8004340875	5	127350178956	09/26/2023	10/24/2023	173.50-	TDPRIME	NEMPS	241.00000000000000	728.00000000000000
8004340875	4	127344888624	08/25/2023	09/25/2023	34.63-	TDPRIME	NEMPS	430.00000000000000	618.00000000000000
8004340875	3	127339652478	07/27/2023	08/24/2023	1.07	TDPRIME	NEMPS	392.00000000000000	389.00000000000000
8004340875	2	127334390121	06/26/2023	07/26/2023	102.71-	TDPRIME	NEMPS	538.00000000000000	874.00000000000000
8004340875	1	127329090343	05/25/2023	06/25/2023	216.27-	TDPRIME	NEMPS	319.00000000000000	1,020.00000000000000
8004340875	12	127323799554	04/26/2023	05/24/2023	219.37	TDPRIME	NEMPS	131.00000000000000	1,114.00000000000000
8004340875	11	127318327762	03/28/2023	04/25/2023	241.26-	TDPRIME	NEMPS	109.00000000000000	1,096.00000000000000
8004340875	10	127313690167	02/27/2023	03/27/2023	249.34	TDPRIME	NEMPS	1,061.00000000000000	0.00000000000000
8004340875	9	127306673548	01/27/2023	02/26/2023	477.22	TDPRIME	NEMPS	1,539.00000000000000	0.00000000000000
8004340875	8	127300466979	12/28/2022	01/26/2023	357.81	TDPRIME	NEMPS	1,151.00000000000000	8.00000000000000
8004340875	7	127294089885	11/29/2022	12/27/2022	143.88	TDPRIME	NEMPS	624.00000000000000	123.00000000000000
8004340875	6	127287478027	10/27/2022	11/28/2022	80.82	TDPRIME	NEMPS	642.00000000000000	519.00000000000000
8004340875	5	127280678300	09/27/2022	10/26/2022	93.64-	TDPRIME	NEMPS	364.00000000000000	579.00000000000000
8004340875	4	127273958074	08/26/2022	09/26/2022	142.48	TDPRIME	NEMPS	1,049.00000000000000	431.00000000000000
8004340875	3	127267263063	07/28/2022	08/25/2022	95.62	TDPRIME	NEMPS	685.00000000000000	332.00000000000000
8004340875	2	127260504796	06/28/2022	07/27/2022	40.67-	TDPRIME	NEMPS	663.00000000000000	752.00000000000000
8004340875	1	127253732228	05/27/2022	06/27/2022	130.27-	TDPRIME	NEMPS	799.00000000000000	1,252.00000000000000

The graphic below shows the Complainants Net Generation decreased substantially from the previous months.

⁴ 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.”

Stay informed about your annual bill

Your new charges Due monthly	Year-to-date charges: \$14.03 Settled at end of 12-month billing period (on or about 05/27/23)
<i>If you pay only this month's new charges, you may owe a large amount at the end of your 12-month billing period.</i>	<i>You may make additional payments anytime. Payments will not show up in your year-to-date charges. They will create a credit on your account. Any remaining balance forward will be settled against any charges in your 12-month settlement bill.</i>
You are in billing month 7 of 12.	

Your cost varies by time of day



Winter cost periods (Oct 01-May 31)

	Weekdays	Weekends & Holidays
Mid peak	4pm - 9pm	4pm - 9pm
Off peak	12am - 8am 9pm - 12am	12am - 8am 9pm - 12am
Super off peak	8am - 4pm	8am - 4pm

Your past and current electricity usage

	Electricity (kWh)
Winter Season - Consumption	
Mid Peak	48
Off peak	107
Super off peak	469
Winter Season - Net Generation	
Mid Peak	-2
Off peak	0
Super off peak	-121
Total electricity usage this month in kWh	501

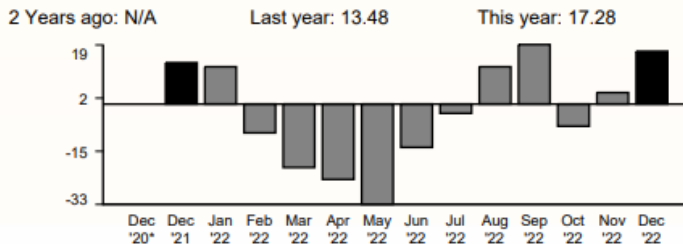
Your next billing cycle for meter 222013-525263 will end on or about 01/26/23.

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.

Your daily average electricity usage (kWh)



* No data available

The complainant's requested relief is for SCE to refund the presumed overbilled amount of \$791.26. This is not appropriate, however, because he is essentially asking for free electricity after he has used the electricity and even after he has been given bills each month showing his "Year-to-date charges" and/or credits and these amounts have been

changing each month based on his usage and excess generation. SCE is also unsure how the Complainant derived the kWh of net inaccuracies per month as well as the dollar amount in order to understand and discuss further herein.

Notwithstanding SCE's position, the California Public Utilities Commission (Commission) has long held that when a customer complains that a utility has overbilled for electricity, the burden of proof rests on the complainant to show that the billing was improper.⁵ Moreover, the Complainant must show that he could not possibly have used the amount of energy in dispute.⁶

SCE avers it has complied with all applicable laws, regulations, rules, orders, and tariffs with respect to the matters at issue in this Complaint. Therefore, SCE respectfully requests that the Commission dismiss this Complaint.

⁵ Placid N.V. v. Southern California Edison Company, 48 CPUC 2d 425, 427 (1993).

⁶ Leonard J. Grant v. SoCal Gas Co., D. 92577, mimeo., p. 6 (1981).

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:**⁷

With respect to Complainant's allegation: **“In a nutshell: That there is a systematic and significant discrepancy between the SCE data of our power usage & production (we have solar + batteries) and the data from our solar monitoring equipment (Tesla). This discrepancy is almost always in favor of SCE and add up to over a thousand dollars of loss per year for us personally. If such discrepancies are common among customers with solar batteries, it would amount to millions of dollars per year being fraudulently skimmed of customer accounts for the benefit of SCE. I have focused on one billing cycle in the attached file, but find similar discrepancies on other billing cycles.”** SCE affirms the SCE electric bills and Complainant's solar system monitoring system will be different. It is presumed the monitoring system only records the electricity generated by the solar system, yet the SCE bill reflects the net amount of energy either consumed or exported over the entire month. In other words, the amount of kWh of electricity the Complainant consumes from SCE and the amount of electricity sent back to the electric grid when the Complainant's generation exceeds the on-site demand the Complainant consumes in real time is reflected on the bill. Additionally, Complainant has

⁷ “Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation).”

converted his 5-minute interval generation data to 15-minute intervals to match SCE's measurement; however, SCE believes the Complainant's solar usage data conversion methodology may be incorrect for comparison purposes. The Complainant's electric meter was tested in his presence and tested within Commission guidelines.⁸ As such, the meter can be assumed to be registering electricity usage accurately.

“My first contact with SCE was greeted with defensive hostility with the spokesperson at one point saying, "I know how you customers think!" as if we are their enemy instead of the basis for their existence. The call concluded with a promise by the SCE spokesperson that I would receive a letter summarizing their review of the bill in question within 30-45 days (a ridiculously long time to wait). The letter, dated December 22, 2022, simply said that the bill in question was correct. My second call to them soon afterwards was less hostile, but they still never asked about my methodology, a lack of curiosity that I found odd, to say the least. This call resulted in an offer to check the meter. I do not suspect the meter, but I agreed anyway. The technician checked the meter 2023-Jan-06 and found that it was functioning correctly, consistent with the idea that the discrepancy is happening downstream of the meter.” SCE listened to the telephone call in question and denies its customer service representative greeted the Complainant with defensive hostility.

“I would like for CPUC to: 1) Objectively review my methodology of comparison 2) provide a detailed explanation of any serious flaws in my comparison or if my methods are essentially correct then investigate these discrepancies with other solar+battery customers and 3) get SCE to correct the source of these errors to prevent future skimming and refund any money that they have incorrectly taken from customers.” On October 11,

⁸ SCE's Rule 17 Section B., Meter Tests.

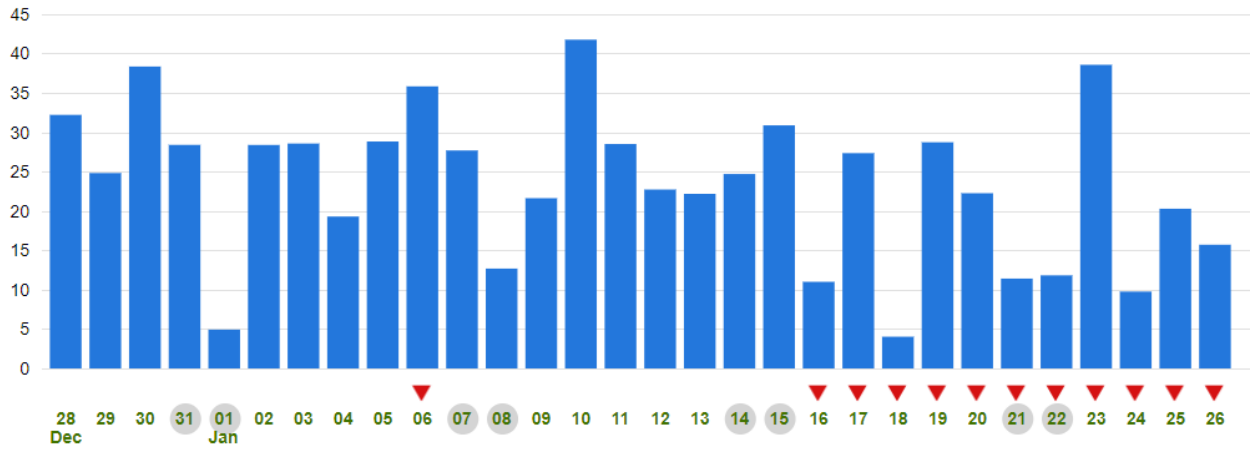
2023, Mr. Rojas/State Regulatory Operations, Ms. Pena/Billing Manager and Mr. Cellabos/Billing Analyst met with the Complainant in person to understand his concerns and review his methodology⁹ and discrepancies. SCE was, however, unable to confirm his discrepancies. Subsequently, on October 24, 2023, SCE's field representatives conducted an assessment at the Complainant's residence that included checking both SCE meters, the wiring to the meter¹⁰ servicing his batteries and a load check in his home in an effort to identify high-consumption electrical appliances. The results determined both SCE meters were registering accurately. Although SCE is not responsible, the wiring to the Complainant's meter for his batteries did not display any abnormalities. The load check determined the Complainant has five pool pumps, two freezers, one refrigerator and two electric vehicles.

SCE contends the Complainant's electrical usage between November 29, 2022, through March 27, 2023, was surpassing the amount of electricity his solar system was producing. Although his solar monitoring system may have been registering energy, his onsite consumption was considerably higher. In explanation, below is the Complainant's interval usage data between December 28, 2022, through January 26, 2023. The graph below shows he is consuming from the grid and his solar system is not producing enough to support his needs, or not producing any excess generation. The red arrows near the billing dates indicate SCE's meter identified voltage fluctuations during these specific days.

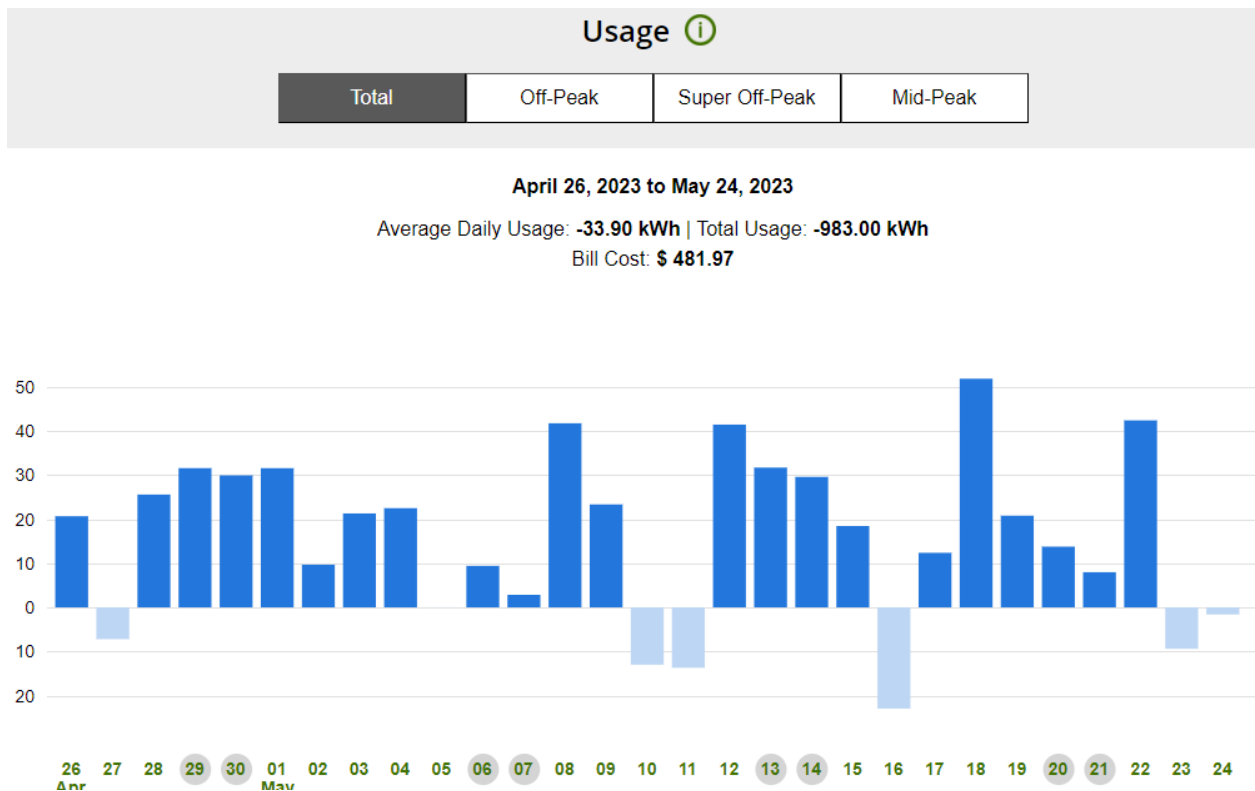
⁹ Excel document named "SCEvTesla_20221027_Callaway_w_RawDataCompilation."

¹⁰ Net Generation Output Meter permits utilities to monitor the energy output of the energy storage devices.

December 28, 2022 to January 26, 2023
 Average Daily Usage: **38.10 kWh** | Total Usage: **1,143.00 kWh**
 Bill Cost: **\$ 58.15**



In another example, the graph below shows the Complainant’s interval usage data between April 26, 2023, through May 24, 2023, and displays an increase in generation with less consumption.



B. Answering Section (G)(4) of the Formal Complaint form:¹¹

With respect to Complainant's allegation: **“(1) Most importantly, a fair resolution of this case has to include, at a bare minimum, a thorough investigation by an independent third party to monitor a representative sample of rooftop solar and rooftop solar + battery customers’ net export to the grid and import from the grid over several billing cycles and comparing that data to the data SCE uses to generate bills. In those cases where significant discrepancies are found, the investigation should determine the root cause of said discrepancies and this source of error should be corrected. If similar discrepancies that I have found at our home are widespread, millions of dollars that rightly belong to California customers is being siphoned into SCE accounts, (2) In addition, affected customers should be notified of the error and compensated accordingly. (3) Based on the six billing cycles from our own home that I’ve analyzed within the last year, SCE owes us \$791.26 for the combined effects of the power that we did not use that they have falsely stated we did and the power that we provided to the grid, but for which SCE did not compensate us. (Spreadsheets detailing how this figure was arrived at will be made available upon request, but did not lend themselves to PDF format, so are not attached, but a description of the method used is attached; “SummaryOfComparisonMethod.pdf.”** SCE avers it has complied with all applicable laws, regulations, rules, orders, and tariffs with respect to the matters at issue in this Complaint.

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

With respect to Complainant's request for an order: **“(1) Most importantly, a fair resolution of this case has to include, at a bare minimum, a thorough investigation by an independent third party to monitor a representative sample of rooftop solar and rooftop solar + battery customers' net export to the grid and import from the grid over several billing cycles and comparing that data to the data SCE uses to generate bills. In those cases where significant discrepancies are found, the investigation should determine the root cause of said discrepancies and this source of error should be corrected. If similar discrepancies that I have found at our home are widespread, millions of dollars that rightly belong to California customers is being siphoned into SCE accounts.”** SCE declares that it has complied with all applicable laws and tariffs in all actions with respect to Complainants' account and, therefore, Complainant's request for relief should be denied.

“(2) In addition, affected customers should be notified of the error and compensated accordingly.” SCE declares that it has complied with all applicable laws and tariffs in all actions with respect to Complainants' account and, therefore, Complainant's request for relief should be denied.

“(3) Based on the six billing cycles from our own home that I've analyzed within the last year, SCE owes us \$791.26 for the combined effects of the power that we did not use that they have falsely stated we did and the power that we provided to the grid, but for which SCE did not compensate us. (Spreadsheets detailing how this figure was arrived at will be made available upon request, but did not lend themselves to PDF format, so are not attached, but a description of the method used is attached; “SummaryOfComparisonMethod.pdf” SCE is unsure how the Complainant derived this

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

dollar amount in order to understand and discuss further herein. Although the complainant provided a pie graph where he agrees with 87.8 percent of SCE's usage data; regrettably, the Complainant and SCE met with an impasse overall with his complaint. SCE reiterates the Complainant has the burden to present his case and prove any act or thing done or omitted to be done by SCE that violates the SCE's tariffs, a CPUC order, or the law. SCE declares that it has complied with all applicable laws and tariffs in all actions with respect to Complainant's account; therefore, Complainant's request for relief should be denied.

Any other allegations requiring a response contained in Section (H) of the Formal Complaint Form that are 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

Complainant 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

Complainant is barred from recovery because SCE complied with all rules, laws, regulations, and tariffs.

FOURTH, SEPARATE AND AFFIRMATIVE DEFENSE

Proximate Intervening Cause

If the Complainant suffered any injury as alleged in the Complaint, which SCE specifically disputes and denies, the intervening and superseding actions and/or inactions of Complainant 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

Complainant failed to mitigate their injury, if any.

WHEREFORE, SCE prays:

The Complaint be dismissed without prejudice.

Respectfully submitted,

/s/ Robert Rojas

By: Robert Rojas

SOUTHERN CALIFORNIA EDISON COMPANY

8631 Rush Street

Post Office Box 800

Rosemead, California 91770

Telephone: (626) 302-0274

Robert.1.Rojas@sce.com

November 2, 2023

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 November 2, 2023, at Rosemead, California.

/s/ Michael Backstrom

Michael Backstrom
Vice President, Regulatory Affairs
SOUTHERN CALIFORNIA EDISON COMPANY
8631 Rush Street
PO BOX 800
Rosemead, CA 91770