

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-135-E - ORDER NO. 2020-520

AUGUST 7, 2020

IN RE: Kimberly A. Wilson, Complainant/Petitioner) ORDER GRANTING
v. Duke Energy Carolinas, LLC,) MOTION TO DISMISS
Defendant/Respondent)

This matter comes before the Public Service Commission of South Carolina (the “Commission”) on a Complaint filed by Kimberly A. Wilson¹ (“Complainant”) against Duke Energy Carolinas, LLC (“Duke Energy” or the “Company”).

I. HISTORY OF THE COMPLAINT

Complainant established service with the Company on September 4, 2008. Her Advanced Metering Infrastructure (“AMI”) meter was installed on May 17, 2017. Following installation, she received high bills in the summer of 2017.²

Wilson initially filed a high bill complaint with Duke Energy. In response, the Company performed a test of Complainant’s meter on September 27, 2017. The meter tested at 100.14 at full load and 100.17 at light load. On December 6, 2017, Wilson filed her next complaint with the South Carolina Office of Regulatory Staff (“ORS”). On January 10, 2018, at the request of ORS, the Company performed a second test of

¹ James E. Wilson is listed as Complainant. Kimberly A. Wilson signed the Complaint, though she is not listed on the account associated with the service address. The Company “believes Ms. Wilson is a close relative and representative of James E. Wilson and is entitled to receive the limited account-related information provided in this filing.” Duke Energy Carolinas, LLC’s Answer and Motion to Dismiss, p. 2, n.2.

² While Complaint indicates high billing for two (2) months, Duke Energy states “the meter recorded higher-than-normal electricity usage in July, August, and September of 2017.” Duke Energy Carolinas, LLC’s Answer and Motion to Dismiss, 2.

Complainant's meter. The meter tested at 100.13 at full load and 100.16 at light load. On January 12, 2018, Duke Energy reported to ORS, addressing Ms. Wilson's concerns and presenting the results of its two (2) meter tests. During both tests, the meter technician indicated the outside breaker panel was wired incorrectly, but that such would not impact billing. By letter dated January 18, 2018, ORS stated, "the meter tested within the limits of accuracy as prescribed by [the Commission's] regulations governing service supplied by electric systems in South Carolina."³

On May 19, 2020, Wilson filed the instant Complaint with the Commission. Complainant states the bills of \$600 and \$800 were unreasonable. Further, the bill had not been that high for fifteen (15) years and has not been that high since the summer of 2017. Complainant asserts the air conditioning unit was serviced every month for years by a heating/air company, and the washer, dryer, and refrigerator have all been replaced with energy efficient appliances. Wilson requests that Duke Energy correct her billing based on past/present history and refund the difference. Alternatively, Complainant requests release from Duke Energy's service to acquire the service of Laurens Electric, whom she alleges is willing to service her location.

Duke Energy moved to dismiss the complaint on June 3, 2020. The Company acknowledges that, while Complainant's electricity usage appears to have been higher

³ S.C. Code Ann. Regs. 103-340 (2012) allows for adjustment of a customer's bill for errors greater than 2%:

Fast or Slow Meters. If the overcharge or undercharge is the result of a fast or slow meter, then the method of compensation shall be as follows:

- a. In case of a disputed account, involving the accuracy of a meter, such meter shall be tested upon request of the customer, as specified in 103-370(2)
- b. In the event that the meter so tested is found to have an error in registration of more than two (2) per cent, the bills will be increased or decreased accordingly, but in no case shall such a correction be made for more than sixty days.

than normal in July, August, and September of 2017, the Complaint fails to adequately allege any violation of a Commission-jurisdictional statute or regulation.

II. DISCUSSION

While it is unfortunate Complainant received high bills for electric service during the summer of 2017, she has presented no evidence showing that Duke Energy has done anything improper or in any way caused or contributed to the high bills in question. Wilson has provided no evidence to dispute Duke Energy's position that the high billing was due to her usage. Two (2) meter tests demonstrate that the meter was operating within the accuracy tolerances prescribed in the Commission's regulations. Further, Complainant has not presented any evidence as to the amount of the refund. The Commission is sympathetic with Complainant in this matter. However, we find no violation of any Commission rules or regulations by Duke Energy. Under these circumstances, we cannot order a refund.

In the alternative, Complainant has requested release from Duke Energy's service to become a customer of Laurens Electric, whom she alleges is willing to service her location. Per S.C. Code Ann. § 58-27-660 (2015),

- (1) Any electric supplier may furnish electric service to any consumer who desires service from such electric supplier at any premises being served by another electric supplier, or at premises which another electric supplier has the right to serve pursuant to other provisions of this article, **upon agreement of the affected electric suppliers.**
- (2) The Public Service Commission shall have the authority and jurisdiction, after notice to all affected electric suppliers and the Office of Regulatory Staff and after hearing, if a hearing is requested by any affected electric supplier, the Office of Regulatory Staff, or any other interested party, to order any electric supplier which may reasonably do so to furnish electric service to any consumer who desires service from the electric supplier at

any premises being served by another electric supplier, including service being provided under the provisions of Section 58-27-620(2) as it existed before the effective date of Article 4, Chapter 33 of Title 58 or at premises which another electric supplier has the right to serve pursuant to other provisions of this article, and to order the other electric supplier to cease and desist from furnishing electric service to the premises, **upon a finding that service to the consumer by the electric supplier which is then furnishing service, or which has the right to furnish service, to the premises, is or will be inadequate or undependable, and cannot or will not be made adequate and dependable within a reasonable time, or that the rates, conditions of service, or service regulations, applied to the consumer, are unreasonably discriminatory.**

(emphasis added). Both electric suppliers must agree to the change in service or Complainant must demonstrate inadequate and undependable service or unreasonably discriminatory rates, conditions of service, or service regulations. In this case, the Commission cannot make such a finding. Wilson has not provided any proof that both Duke Energy and Laurens Electric agreed to the change in service. Nor has Complainant provided any proof that service by Duke Energy, the current electric supplier, is or will be inadequate or undependable or that the rates, conditions of service, or service regulations, applied to Wilson, are unreasonably discriminatory.

III. FINDINGS OF FACT

1. The Commission finds that Kimberly A. Wilson is a signatory on the Complaint entitled to act as the representative of James E. Wilson.

2. The Commission finds that Complainant established service with the Company on September 4, 2008.

3. The Commission finds that Complainant's AMI meter was installed on May 17, 2017. Thereafter, Complainant experienced high billing during the summer of 2017.

4. The Commission finds that the Company performed two (2) tests of Complainant's meter, one on September 27, 2017, and the second on January 10, 2018.

5. The Commission finds that the meter was operating within Commission-prescribed limits during both tests.

6. The Commission finds that Complainant failed to show that Duke Energy Carolinas, LLC and Laurens Electric have agreed to a change of electric supplier.

7. The Commission finds that Complainant failed to show that the Company's service was or will be inadequate or undependable or that the rates, conditions of service, or service regulations, applied to Wilson, are unreasonably discriminatory.

IV. CONCLUSIONS OF LAW

1. The Commission concludes that Complainant's AMI meter was operating within prescribed limits. S.C. Code Ann. Regs. 103-340 (2012).

2. The Commission concludes that Duke Energy Carolinas, LLC and Laurens Electric have not agreed to a change of electric supplier. S.C. Code Ann. § 58-27-660(1) (2015).

3. The Commission concludes that the Company's service to Complainant is not or will not be inadequate or undependable nor are the rates, conditions of service, or service regulations, applied to Wilson, unreasonably discriminatory. S.C. Code Ann. § 58-27-660(2) (2015).

4. The Commission concludes that the Company's Motion to Dismiss should be granted.

V. IT IS THEREFORE ORDERED THAT:

The Motion to Dismiss is granted.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

Comer H Randall

Comer H. "Randy" Randall, Acting Chairman

(SEAL)



PRESIDING: Randall

SESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
BELSER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
ERVIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>

voting via videoconference

Military Leave

(SEAL)

RECORDED BY: J. Schmieding

