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Decision No. _____

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA.

J. L. Beerman,

Complainant,

v.

Pacific Gas and Electric
Company, a corporation,

Defendant.

Case No. 955.

J. L. Beerman in propria persona.
L. D. deFremery and R. W. Deutch
for Pacific Gas and Electric Com-
pany.

BY THE COMMISSION.

O P I N I O N

Complainant herein alleges that on the twenty-eighth day of April, 1908, he paid a cash deposit of five (\$5.) dollars to the defendant corporation, the deposit being required by the company as a condi-

tion precedent to the installation of a meter at 1901 Webster Street, San Francisco, and the serving of those premises with gas. Complainant further alleges that the premises were vacated on November 15, 1915, at which time demand was made upon defendant for the return of the deposit and interest thereupon and that the defendant refused to return the deposit. Complainant prays that this Commission order the defendant to return the deposit as aforesaid.

Defendant in its answer denies the payment of the deposit and alleges that a complete record of such deposits was kept by the company during the year 1908 and subsequent thereto, and that the said records do not disclose payment of any sum by the complainant to defendant.

As a separate defense defendant claims that complainant is indebted to defendant in the sum of Four and 85/100 (\$4.85) Dollars for gas and One and 85/100 (\$1.85) Dollars for electricity furnished, which fact is admitted by complainant.

A public hearing was held in this matter at San Francisco before Examiner Encell, at which time complainant offered evidence, positive in its character, to the effect that he had paid such a deposit to the company. Other witnesses testified in his behalf that they had seen the receipt given by the defendant for the deposit. Against this testimony the defendant produced its books and records, which show-

ed no record of a deposit having been received from Mr. Beerman and it was urged that if a deposit had been required it would appear in the records, and it was further urged that it was possible that Mr. Beerman, having been a previous consumer of the company at another location, had not been required to make a deposit.

From the evidence herein, we conclude that the deposit was made and that Mr. Beerman is entitled to a return of the balance due him. It has been a rule of the company during the past that interest would be paid at the rate of five per cent. per annum on all deposits during the time that they were held and the consumer continued to take service. It would, therefore, appear on November 15, 1915, that the amount due Mr. Beerman on the deposit was Six and 89/100 (\$6.89) Dollars. It appears, however, as noted above, that the complainant is indebted to the defendant in the sum of \$4.85 for gas and \$1.85 for electricity furnished.

The deposit was made, according to the testimony, for gas service only and it does not appear that it was made to guarantee payment for electric service. The company cannot legally apply such deposit to the liquidation of an electric bill. We believe, however, in this instance, as the electric bill is admitted by the complainant, yet apparently payment has been held up pending the outcome of this proceeding, that it would be reasonable to deduct the amount of the elec-

tric bill from the total deposit due in settling the account, and that, therefore, the Pacific Gas and Electric Company should pay to Mr. Beerman the sum of nineteen (19¢) cents as balance due the consumer upon deposit with interest at six (6%) ^{per annum} per cent./from December the effective date of the order in Case No. 683, 1, 1915, /to date, making a total of twenty (20¢) cents.

O R D E R

Mr. J. L. Beerman having complained to this Commission that he had made a deposit for gas service with Pacific Gas and Electric Company, a corporation, and that the Pacific Gas and Electric Company, a corporation, had refused to return the deposit upon the vacation of the premises,

And a public hearing having been held, and it appearing from the evidence introduced that Mr. Beerman is entitled to a return of the balance of his deposit still due, amounting to twenty (20¢) cents,

IT IS HEREBY ORDERED that within twenty (20) days from the date of this order Pacific Gas and Electric Company, a corporation, shall return to Mr. J. L. Beerman the sum of twenty (20¢) cents as final payment of balance due upon deposit held by said company.

Dated at San Francisco, California, this 3d day of March, 1917.

Wm. J. Hillen
W. J. Hillen

Edwin O. Egerton
Frank C. Burton
Commissioners.