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ORIGINAL

Decision No. 4995

Decision No. _____

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

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A. MORBIO,

Complainant,

-vs-

PACIFIC GAS AND ELECTRIC
COMPANY,

Defendant.

CASE NO. 1092

A. Morbio in propria persona.
Chas. P. Cutton for Pacific
Gas and Electric Company.

BY THE COMMISSION:

O P I N I O N

Mr. A. Morbio, complainant in this case, alleges that Pacific Gas and Electric Company is discriminating unreasonably between localities and between classes of service in the City of San Francisco in granting certain of its consumers a rate of 3¢ per K.W.H. for electric automobile charging in private garages and 3¢ per K.W.H. for

operating electric ranges, while it charges him and certain similar auto charging consumers a rate of 5¢ per K.W.H. Complainant requests that the Railroad Commission order the defendant to remove the discrimination, said removal to date from time complainant first filed his informal complaint with the Commission.

Defendant in its answer denies that it is discriminating between classes of service or localities in the City of San Francisco and further denies that by reason of any facts alleged in the complaint it is acting in violation of Section 19 of the Public Utilities Act, which section requires that no public utility shall maintain unreasonable differences in rates between localities or classes of service. Defendant asks that the complaint be dismissed or that if the Commission shall determine that said complaint should not be dismissed, that it be consolidated with Case No. 840 - City and County of San Francisco vs. Pacific Gas and Electric Company - in which case all of the electric rates of Pacific Gas and Electric Company in San Francisco are brought into question.

Hearings in this matter were held before Examiner Encell in San Francisco on August 25th and September 8th, 1917. The case was submitted by stipulation upon the filing by Pacific Gas and Electric Company of the contract between it and Mr. C. A. Eutton.

The testimony introduced at the hearing shows that there are certain discrepancies in relation to the charges maintained by the defendant herein for service similar to the one involved herein in different

portions of San Francisco and in the Bay regions generally. It is shown in certain instances that the electric energy for auto charging service to private garages was 3¢ per K. W. H. The plaintiff herein has been charged the rate of 5¢ per K. W. H. for auto charging service.

Defendant submitted an exhibit setting forth the auto charging rates for private garages in 42 different cities in the United States of over 40,000 inhabitants. The evidence was submitted to show that the rate of 5¢ per K. W. H. charged by defendant generally is reasonable. Defendant did not list cities where the regular power or lighting rates applied to auto charging. The rates which are, apparently charged in the cities reported, as shown by the exhibit are, in general, 4½¢ per K. W. H. or more. Defendant has listed only three western cities, the other 39 being in the middle west or eastern states. Defendant submitted no testimony showing that the conditions in those cities are comparable with San Francisco conditions. The rate in the three cities in the western states which defendant reported is 3¢ per K. W. H. These cities are San Diego, California; Seattle, Washington; and Portland, Oregon. In its report defendant failed to set forth the rates in Oakland and Berkeley where it serves auto charging installations at the regular power rate of 3¢ per K. W. H.

It may be, as a matter of equity, defendant should grant to San Francisco a rate for auto

charging not in excess of that which it charges in Berkeley and Oakland, but after investigating all these matters surrounding the rates for auto charging. it seems to us advisable that the matters herein involved be considered by the Commission at the time of the hearing in Case 840 before the Commission, hereinabove referred to.

For that reason it is our opinion that the within complaint should be dismissed without prejudice.

O R D E R

Mr. A. Morbio having filed his complaint in the above entitled matter alleging discrimination between districts and classes of service in the City of San Francisco as regards auto charging service to private garages, and public hearings having been held, and the matter being submitted and now ready for decision,

IT IS HEREBY ORDERED that the complaint be and the same is hereby dismissed without prejudice.

Dated at San Francisco, California, this 28th ^{December} ~~November~~, 1917.

Max Helem
H. D. Lythard
Edwin C. Edgerston
Commissioners