

The gas and electric installations, the answer continues, were found to be dangerous to life or property. The answer sets forth as another defense that its tariff rules and regulations reserve the right to refuse service when to render the same would be unsafe or would violate law or any municipal ordinance or regulation. The answer concludes with a denial of Commission jurisdiction.

Public hearing was held in this matter before Examiner John K. Power at San Francisco on November 10, 1955. At that time complainant testified in his own behalf. Two persons from the office of the Contra Costa County building inspection office were called by defendant. Five exhibits were received.

It appears from the evidence that abatement proceedings against this building were begun before the Board of Supervisors of Contra Costa County sometime prior to May 10, 1955. That upon that day complainant appeared and obtained the first of a series of continuances. That the last of these expired on September 13, 1955. On the last date the property was determined to be a public nuisance. Complainant and five other persons (presumably persons having an interest of record in the property) were notified to abate the nuisance by repairing, reconstructing or removing the buildings on this property. It further appears that some sort of construction work was in progress at 3002 San Mateo Avenue on the date (i.e. November 10, 1955) of the hearing in this case. It likewise appears that this property was in process of annexation to the City of El Cerrito on the date of the hearing herein. Presumably this process is now complete.

From the record herein it is impossible to determine whether the electrical wiring and gas piping at 3002 San Mateo Avenue are installed in a safe and adequate manner. Complainant has the

burden of such proof and has failed to produce sufficient evidence to support such a determination. Therefore the Commission cannot make the necessary finding that the electric wiring and gas piping at 3002 San Mateo Avenue are safe and adequate. Furthermore, the pendency of an abatement proceeding against said property could render any affirmative relief in this proceeding ineffective. The Commission therefore finds that the allegations of the complaint herein, as amended at the hearing, have not been sufficiently established. It follows that this complaint must be dismissed.

O R D E R

Complaint having been filed and answered, public hearing having been held, the matter having been submitted and now being ready for decision, the Commission having considered the same and basing its decision on the findings and conclusions set forth in the foregoing opinion; therefore,

IT IS ORDERED that Case No. 5653 be, and it hereby is, dismissed.

Dated at Los Angeles, California, this 14th day of FEBRUARY, 1956.

[Signature]
President
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Commissioners