

ORIGINAL

Decision No. 70970

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mike Ikeda,
 Complainant,
 vs.
 Southern California Edison Company,
 Defendant.

Case No. 8366
 Filed March 10, 1966

O P I N I O N

The above-entitled complaint is by an individual seeking an amendment to the defendant's tariffs. The complaint is as follows:

"That I submit this complaint on grounds of the defendant's inability to give proof that a customer's deposit was refunded to me, regarding a customer's deposit slip that I have dated 1956, for the amount of \$10. The complainant does not remember receiving a refund for this deposit, and the defendant's reply to my letter stating that all information relative to this deposit are destroyed beyond the 6 year period, is not satisfactory. I asked the defendant if a cancelled refund check could be shown, that show that payment was made, but the defendant states that it would be difficult without the number of the refund check. The Los Angeles Water and Power Department produced a photo-stat of a cancelled check, when I requested one, so why couldn't the defendant produce such proof. If they keep records of their bad creditors (who don't pay their bills) for longer than 6 years why are the other information not kept, such as refund check records. The Post Office Department keeps records of money orders for a period of 20 years, and a bank keeps records of deposits, of clients who are no longer clients of that bank for a period of 10 years, so why can't the defendant keep records of refunds for a longer period than 6 years.

"WHEREFORE, complainant request an order for defendant to extend the period for maintaining the records of refund checks for a period longer than 6 years, and when refund checks are returned to the defendant for any reason, every effort should be made to locate them, and if refund checks were sent out but the record shows that such checks were never cashed, a permanent record of such uncashed refund checks should be kept. Any cancelled refund check could be located, if necessary by recording the number of each refund check under each name. Since all customers are not aware of this 6 year period, the defendant should put in writing in a conspicuous place (such as on deposit slip) where all customers can read, the advise to cash all refund checks as soon as possible or within the 6 year period. I never knew about this 6 year period until I made this inquiry."

The answer of the defendant is as follows:

"Answering the allegations of the Complaint on file herein, the defendant alleges that it requires and processes deposits in accordance with Rule No. 7 of defendant's TARIFF SCHEDULES on file with the Public Utilities Commission of the State of California. That in accordance with said Rule, the return of a customer's deposit may be made (1) upon discontinuance of service, in which event the Company will refund the customer's deposit or the balance in excess of the unpaid bills for service; (2) the deposit is refundable when the periods covered by bills paid before becoming past due, as prescribed in Rule No. 11-A, are equal to one (1) year; or (3) the Company may return the deposit at any time upon request provided the customer's credit may otherwise be established in accordance with Rule No. 6.

"Further answering the allegations of Complainant's Complaint, the defendant alleges that in accordance with a Notice issued by the Public Utilities Commission of the State of California dated October 28, 1963, said Commission authorized electric utilities operating in California under the jurisdiction of the Commission to destroy records at the expiration of the retention periods prescribed in the Federal Power Commission's Regulations to Govern the Preservation of Records of Public Utilities and

Licenses effective 1962. Defendant further alleges that in accordance with said Regulations, Item 37, relating to customers' guarantee deposits and the records relating thereto, require a retention of six (6) years after refund."

The defendant prays that the complaint be dismissed.

On October 22, 1963, the Commission adopted Resolution No. 387 which authorized gas and electric utilities operating in California under the jurisdiction of this Commission to destroy records at the expiration of the retention periods prescribed in the Federal Power Commission's Regulations to Govern the Preservation of Records of Public Utilities and Licenses, which regulations became effective December 12, 1962.

Item 37 of said regulations, so adopted, requires that records of customers' guarantee deposit records be kept for six years after refund.

We find that the defendant was justified in destroying its records and that the complaint should be dismissed on the ground that the complainant has slept on his rights and delayed action thereon to the extent that it is impossible for defendant to disprove the allegations of the complaint.

We find that the complainant has delayed commencing the action herein for an unreasonably long time. We conclude the complaint should be dismissed.

ORDER

IT IS ORDERED that Case No. 8366 is dismissed.

The effective date of this order shall be twenty days after service thereof on complainant.

Dated at San Francisco, California, this 19th day of JULY, 1966.

President

George T. Grover

Fredrick B. Holbrook

Augusta

William W. Bennett

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.