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ORIGINAL

Decision No. 75961

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EMIL O. HOPPE, SR.,
Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY, a corporation,
Defendant.

Case No. 8913

ORDER OF DISMISSAL

Complainant alleges that before signing an agreement to purchase certain property he was told by the contractor and the real estate company that a power and telephone pole would be removed and utility lines placed underground. It is alleged that a pole and brace in front of the property is dangerous as it denies full access and entry into the property; and that because "of the truth not told to me at the time of purchase I was unable to rent one unit for six months and the other three units I had to reduce the rent considerably. If I sell the property I would have to take a loss. I put all my savings into this property and now I carry the burden of loss. I feel the responsible parties: Real Estate, Contractor, Land Developer, P.G.& E., and the Planning Commission, did not care or took the easy and cheapest way, not caring who would get hurt. I sincerely hope you can help me as I am very disappointed with all this happening to me."

Defendant has submitted a statement of asserted defects (procedural Rule 12), noting noncompliance with Pub. Ut. Code sec. 1702 in that there is no allegation of commission or omission claimed to be in violation of any law or Commission rule or order. Further, the statement notes noncompliance with the procedural rules in that there is no request for specific relief and the complaint is not verified. Finally, the statement suggests failure to state a cause of action, and that in so far as the complaint may raise the issue of compensation for damage to complainant, such relief is beyond the jurisdiction of the Commission to grant.

A copy of the statement of asserted defects was sent to complainant on May 23, 1969, and complainant was requested to advise whether he wished to request dismissal without prejudice, to file an amended complaint, or to rely on the present pleading. No reply has been received.

Case No. 8913 is dismissed without prejudice.

Dated at San Francisco, California, this 29th day of JULY, 1969.

William Symons Jr.
President

Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.