

Decision No. 29188

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DALE W. WULLNER,

Complainant,

vs.

SOUTHERN CALIFORNIA EDISON COMPANY,

Defendant.

Case No. 9260

ORDER OF DISMISSAL

Complainant requests that the Commission issue an order instituting an investigation into the funds spent by Defendant for advertising and promoting nuclear power generating plants and that the Commission require equal sums be spent by Defendant to present the opinions of qualified parties who oppose or disagree with the views of Defendant.

Following the provisions of Rule 12 of the Commission's Rules of Practice and Procedure, Defendant addressed a letter dated August 12, 1971, to the Commission pointing out what it considered to be jurisdictional defects to the complaint and asked for dismissal. Complainant's reply to this letter was received on September 7, 1971.

Section 1702 of the Public Utilities Code states the basis on which the Commission may entertain a complaint against a utility. It provides as follows:

"1702. Complaint may be made by the commission of its own motion or by any corporation or person, chamber of commerce, board of trade, labor organization, or any civic, commercial, mercantile, traffic, agricultural, or manufacturing association or organization, or any body politic or municipal corporation, by written petition or

complaint, setting forth any act or thing done or omitted to be done by any public utility, including any rule or charge heretofore established or fixed by or for any public utility, in violation or claimed to be in violation, of any provision of law or of any order or rule of the commission. No complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, or telephone corporation, unless it is signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city or city and county within which the alleged violation occurred, or by not less than 25 actual or prospective consumers or purchasers of such gas, electricity, water, or telephone service."

The Commission finds that complainant has not stated a cause of action within the purview of Section 1702 and concludes that the complaint must be dismissed.

IT IS ORDERED THAT complainant's request for a Commission investigation is denied and the complaint herein is dismissed.

The effective date of this order shall be 20 days from the date hereof.

Dated at San Francisco, California, this 28<sup>th</sup> day of SEPTEMBER, 1971.

Chairman

*William J. ...*

*Vernon L. Sturgeon*

*[Signature]*

Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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