

MW

Decision No. 8C331

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RALPH T. WELCH, individually and  
on behalf of all taxpayers of the  
City of San Leandro, California,

Plaintiff,

vs.

Case No. 9387

PACIFIC GAS AND ELECTRIC COMPANY,  
a corporation,

Defendant.

ORDER OF DISMISSAL

Complainant alleges that defendant is collecting a "Utility Users Tax" on behalf of the City of San Leandro pursuant to a municipal ordinance, and that, in accordance with the provisions of that ordinance, defendant remits to the City the taxes collected not later than the 30th day of the following month. Complainant seeks an order from this Commission requiring defendant to pay interest to the City on the tax funds for such periods as they are in defendant's possession.

Defendant, by letter dated June 16, 1972, indicates that there is no allegation of wrongdoing attributed to defendant, but rather an attack on the fairness of the method of remittance of taxes as established by the City and followed by defendant.

Complainant chose not to amend his complaint in response to defendant's letter of June 16, 1972, as permitted by Rule 12

of the Commission's Rules of Practice and Procedure and the Commission's letter to complainant dated June 20, 1972.

The Commission concludes that complainant has not stated a cause of action within the jurisdiction of this Commission, as required by Section 1702 of the Public Utilities Code, in that there is no allegation of any act or thing done or omitted to be done in violation or claimed to be in violation of any provision of law or of any order or rule of the Commission. Therefore, the complaint must be dismissed.

IT IS ORDERED that the complaint herein is dismissed.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 12 day  
of AUGUST, 1972.

Vernon L. Sturgeon  
President  
William J. Quinn  
J. H. Brown  
John W. ...  
...  
Commissioners