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Decision No. 81160

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ELEANOR B. BOUSHEY, Customer of the  
Pacific Gas and Electric Company,  
Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,  
a California corporation,  
Defendant.

Case No. 9455  
(filed October 18, 1972)

ELLEN STERN HARRIS, Stockholder and  
customer of the Southern  
California Edison Company,  
Complainant,

vs.

SOUTHERN CALIFORNIA EDISON COMPANY,  
a California corporation,  
Defendant.

Case No. 9456  
(filed October 18, 1972)

SHERMAN W. GRISELLE, Customer of the  
Southern California Edison Company,  
Complainant,

vs.

SOUTHERN CALIFORNIA EDISON COMPANY,  
a California corporation,  
Defendant.

Case No. 9457  
(filed October 18, 1972)

ORDER REOPENING PROCEEDING

Complainants Eleanor B. Boushey, Ellen Stern Harris, and  
Sherman W. Griselle each filed on October 18, 1972, a verified  
complaint alleging, inter alia, that defendants Pacific Gas and

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Electric Company (PG&E) and Southern California Edison Company (Edison) were public utilities subject to the jurisdiction of the Commission; that defendants mailed with their customers' monthly bills written matter stating defendants' opposition to Proposition 20, the Coastal Conservation Act, which was to be presented to the voters on November 7, 1972; and that complainants were harmed as ratepayers and voters by this practice.

The complaints were consolidated for hearing pursuant to Rule 55 of the Commission's Rules of Procedure. Because of the shortness of time between the filing of these complaints and the election on November 7, 1972, the defendants were required to answer the complaints and serve copies upon the complainants no later than 5:00 p.m. Friday, October 27, 1972. Public hearing was held October 30, 1972, at Los Angeles. Defendants answered the complaints and also moved to dismiss the complaints on the ground that they failed to set forth facts sufficient to constitute a cause of action. Although evidence was not taken, oral argument on the motions was held, and the complaints were submitted for disposition of the motions to dismiss.

In Decision No. 80711, issued November 8, 1972, (the day after the election in question) the Commission found that the complaints in Cases Nos. 9455, 9456 and 9457 did not state a cause of action and ordered them dismissed. Rehearing of this decision was denied in Decision No. 80848, issued December 19, 1972.

Despite the fact that the particular matters involved in the complaints had arguably become moot as a result of the occurrence of the election and successful passage of the Proposition involved, complainants in Cases Nos. 9456 and 9457 subsequently petitioned the Supreme Court of the State of California for a writ of review as to Decision No. 80711. Said petition is now pending before that court (S.F. No. 22983; filed January 18, 1973).

The issues raised by the complainants in their petition for

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writ of review are difficult and complex and involve broad considerations of the Commission's regulatory authority and responsibility. We believe that such issues should receive a more thorough examination than was possible in the context in which these matters were originally brought.

Based upon the foregoing, and good cause appearing therefor,

IT IS ORDERED that Cases Nos. 9455, 9456 and 9457 are hereby reopened on the Commission's own motion.

NOTICE IS HEREBY GIVEN that these matters shall be set for hearing before such Commissioner and/or Examiner and at such time and place as may hereafter be designated.

The Secretary is directed to cause a certified copy of this order to be served by mail on each party to Cases Nos. 9455, 9456 and 9457.

Dated at San Francisco, California, this 13<sup>th</sup> day of MARCH, 1973.

Vernon L. Sturgeon  
President  
William J. ...  
J. ...  
...  
Commissioners

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