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Decision No. 82019

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FRANK SPEZIALE
1631 Sycamore Avenue
Atwater, CA. 95301

Complainant

vs.

Case No. 9622

PACIFIC GAS AND ELECTRIC COMPANY
a Corporation
1822 L Street, Box 719
Merced, California 95340

Defendant.

ORDER DENYING INTERIM RELIEF

Frank Speziale (Complainant) alleges that Pacific Gas and Electric Company (Defendant) discontinued electric service to defendant's motel site at Atwater, California. Complainant seeks a hearing to determine the legality and propriety of defendant's action and seeks an immediate order requiring defendant to restore electric service pending this determination.

The complaint alleges an outstanding judgment by the Superior Court of Merced County enjoining and restraining complainant from operating his motel site in Atwater. This action was allegedly brought by the City of Atwater on the basis of wiring in the motel structure that does not conform with the Municipal Code of Atwater. Complainant alleges that this judgment is not final and that a hearing on his appeal of that decision is set in November, 1973.

Rule No. 11(d) of defendant, pertaining to discontinuance and restoration of service, provides as follows:

"(D) Unsafe Equipment:

The Company may refuse to serve or may discontinue service to a customer (a) if any part of his facilities,

appliances or other equipment for receiving or using service or the use thereof, shall be determined by the Company to be unsafe, (b) if the Company is notified by a public authority, having appropriate jurisdiction, that continued service to a customer is in violation of applicable laws, ordinances, rules or regulations of public authorities, or (c) if any condition existing upon the customer's premises shall be determined by the Company to endanger the Company's service facilities, until the condition specified in (a), (b) and/or (c) shall have been corrected by the customer.

The Company does not assume the responsibility of inspecting or repairing the customer's facilities, appliances or other equipment for receiving or using service, or any part thereof, and assumes no liability therefor."

On the basis of the allegations in the complaint and Rule 11(D) of defendant, we do not find this to be a proper case for interim relief. However, because of the financial hardship alleged by complainant due to being deprived of electric service, informal service of the complaint under Rule 12 of the Commission's Rules of Practice and Procedure has been waived and defendant has been required to answer or satisfy the complaint. A hearing on this matter may be set on less than ten day's notice.

IT IS ORDERED that complainant's request for interim relief pending hearing is hereby denied.

The effective date of this order is the date hereof.

Dated at Los Angeles, California, this 16th day of OCTOBER, 1973.

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

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Vermon L. Stinson
President
William L. Lyons
Harold C. ...