

Decision No. 83410

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FRESNO MOBILE PARK CO. #1,
Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,
Defendant.

Case No. 9743
(Filed May 22, 1974)

ORDER GRANTING MOTION TO DISMISS

Complainant Fresno Mobile Park Co. #1, a limited partnership, by Robert L. White, general partner, filed a complaint against Pacific Gas and Electric Company (PG&E) requesting that certain funds on deposit with PG&E be released to complainant. In its complaint complainant alleges that Rule 15.1, Revised Cal. P.U.C. Sheet No. 4891-E, of PG&E which required the deposit in question is unfair and seeks to have the rule modified to permit a refund of the deposit.

In its answer filed June 21, 1974 and motion to dismiss filed August 26, 1974 PG&E points out that although the complaint is based on Rule 15.1 which was filed by PG&E pursuant to order of the Commission in Decision No. 76294 issued November 4, 1969 in Case No. 8209, there is no allegation in the pleading that PG&E violated that rule. In essence, the complaint is an attack upon the reasonableness of the cost of ownership charges made as provided in Section D.5. of Rule 15.1. PG&E points out that since complainant is questioning the reasonableness of a rate or charge imposed by PG&E, the complaint is defective in that it is not signed "by not less than 25 actual or prospective consumers or purchasers of...electricity...service",

as required by Section 1702 of the Public Utilities Code and Rule 9 of the Commission's Rules of Practice and Procedure. PG&E therefore requests that the complaint be dismissed without hearing.

Upon review of the pleadings in this matter the Commission finds:

1. Although the complaint is based on Rule 15.1 of PG&E, there is no allegation in the complaint that PG&E has violated such rule.
2. The complaint is an attack upon the reasonableness of the cost of ownership charges levied as provided in Section D.5. of Rule 15.1 of PG&E.
3. The complaint is defective in that it is not signed "by not less than 25 actual or prospective consumers or purchasers of... electricity...service", as required by Section 1702 of the Public Utilities Code and Rule 9 of the Commission's Rules of Practice and Procedure.

The Commission concludes that the complaint should be dismissed without hearing.

Therefore, IT IS ORDERED that the complaint is dismissed. The hearing which had previously been set before Examiner Cline for Tuesday, September 17, 1974, at 10:00 a.m. in the Commission Courtroom, State Building, 350 McAllister Street, San Francisco, California is hereby removed from the calendar.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 4th day of SEPTEMBER, 1974.

Vermon L. Sturgeon
President
William L. Sturgeon, Jr.
William L. Sturgeon, Jr.
William L. Sturgeon, Jr.
William L. Sturgeon, Jr.
Commissioners