

ORIGINALDecision No. 84509

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

VINCENT Miranda, doing
business under the fictitious
firm name and style of
WALNUT PROPERTIES,

Complainant,

vs

SAN DIEGO GAS & ELECTRIC
COMPANY,

Defendant.

Case No. 9921

ORDER DENYING INTERIM RELIEF

Complainant operates a theatre in San Diego, California, and obtains its electric service from defendant. Complainant alleges that for the period from November 1, 1972 through January 14, 1975, it has paid all bills for electric service rendered to it promptly and in full. On January 14, 1975, it received a notice from defendant indicating that the electric service meter had malfunctioned during the period in question and that an additional sum of \$6,891.54 was due and owing. This letter and subsequent correspondence are attached to the complaint.

Complainant seeks an interim order requiring defendant to continue electric service pending disposition of the dispute in this matter.

Complainant does not allege any immediate threat of discontinuance of service. Exhibit C attached to the complaint is a letter from defendant to complainant dated March 26, 1975. Included with that letter is a copy of defendant's Rule No. 11

pertaining to disputed bills. This rule indicates that the amount claimed in a disputed bill may be deposited with the Commission, thereby preventing discontinuance of service.

Paragraph E of this rule indicates that if deposit is not made within 15 days the service may be discontinued without further notice. The 15 days has long since passed without discontinuance. Therefore, defendant would not be justified in discontinuing service without proper notice to defendant according to its rules. Complainant is advised that if a notice of discontinuance is forthcoming from defendant, that discontinuance may be averted by deposit of the amount in dispute with the Commission.

The Commission concludes that the complaint has not shown immediate or irreparable injury such as would warrant granting of interim relief at this time.

IT IS ORDERED that complainant's request for interim relief is denied without prejudice.

In view of the nature of this complaint, there does not appear to be any advantage to following the intermediate pleading procedure outlined in Rule 12 of the Commission's Rules of Practice and Procedure. Therefore, we shall require defendant to answer the complaint in accordance with Rule 13 of the Commission's Rules of Practice and Procedure within 10 days after receipt of formal service of the complaint. Formal service of the complaint shall accompany this order. The matter will then be set for hearing before such examiner and at such time and place as the Secretary may hereafter direct.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd day
of JUNE, 1975.

Vernon L. Stassen
President
William J. ...
Leonard ...
Robert ...
Commissioners