

JUL 11 1988

Decision 88 07 009 JUL 8 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Lydia A. Green, )  
 Complainant, )  
 vs. )  
 San Diego Gas & Electric Company, )  
 Defendant. )

Case 88-01-005  
 (Filed January 11, 1988)

Lydia A. Green, for herself, complainant.  
Michael R. Weinstein, Attorney at Law,  
 and Keith W. Melville, Certified Law  
 Clerk, for San Diego Gas & Electric  
 Company, defendant.

OPINION

Lydia A. Green (Lydia) complains that San Diego Gas & Electric Company (SDG&E) refuses to give her a new account number and insists that she pay delinquent electric bills of The Green Pure Trust, an entity in which Lydia claims no interest.

A duly noticed public hearing was held before Administrative Law Judge Orville I. Wright in Chula Vista on March 31, 1988, and the matter was submitted for decision with the filing of a brief by defendant on April 29, 1988.

Facts

Lydia is the wife of Robert S. Green (Robert), who operated automobile driving schools under the name of The Green Pure Trust. At all times relevant to this complaint, Robert and Lydia resided at 20 Orange Avenue #3, Chula Vista, and received electricity from defendant. Payments were made to SDG&E by Robert with checks in the name of The Green Pure Trust.

During the fall of 1987, Robert suffered adverse financial circumstances, closed the driving schools, and was unable to keep current with his electric bills. During this time, Lydia and Robert encountered domestic difficulties, and the parties separated, Robert leaving the household.

The mounting electric bill delinquencies caused SDG&E to shut off service to Lydia's home, and she visited defendant's offices in early November 1987 to rectify the situation and obtain a new account in her name alone. SDG&E substituted Lydia's name for that of Robert on the 20 Orange Avenue account, but required a deposit from Lydia and her assumption of liability for the past due amounts. Complainant was able to pay the deposit and make a part payment against the old bills. Service was restored.

At the time of hearing in March 1988, Lydia's only delinquent liability to defendant was the sum of \$302.29, being the unpaid portion of substantially larger prior bill accumulations.

#### Hearing Results

At the hearing, Lydia complained that she wanted a new account number so that there would be no confusion between her utility obligations and those of The Green Pure Trust driving schools. Defendant agreed to this request and issued a new number to Lydia.

SDG&E next testified that all of the billings in dispute represented solely electric service to 20 Orange Avenue and did not include any billings to Robert's driving schools (The Green Pure Trust). Further, defendant notes that its tariff imposes joint and several liability upon the Greens for electric energy service to their home in Chula Vista.

Except for her confusion as to possible debts of The Green Pure Trust, Lydia does not contest her liability for utility services to her residence and, in fact, has earnestly endeavored to bring her SDG&E bill to a current status.

The evidence shows, however, that complainant may require some reasonable installment method of paying off her delinquent bill, and SDG&E offers to cooperate with Lydia to arrange a feasible payment schedule.

Findings of Fact

1. Complainant Lydia A. Green requests that she replace her husband, Robert S. Green, as subscriber to SDG&E utility service at 20 Orange Avenue #3, Chula Vista, and that her account be assigned a new number. Defendant agrees to complainant's request.

2. Delinquent bills charged to complainant by SDG&E represent proper charges for energy supplied to complainant's residence during the time of her occupancy.

3. None of the bills charged to complainant represent charges incurred by driving schools operated under the name of The Green Pure Trust.

Conclusions of Law

1. Complainant should be assigned a new account number under her name with SDG&E.

2. Complainant should pay the sum of \$302.29 and any other unpaid charges by SDG&E for electric service to 20 Orange Avenue #3, Chula Vista, incurred while complainant resided upon those premises.

O R D E R

IT IS ORDERED that:

1. San Diego Gas & Electric Company (SDG&E) shall establish a new account and number for utility service to 20 Orange Avenue #3, Chula Vista, in the name of Lydia A. Green.

2. Lydia A. Green and Robert S. Green, jointly or severally, shall pay delinquent charges of \$302.29, and any other charges, for electric service rendered to 20 Orange Avenue #3, Chula Vista, while they resided upon those premises.

3. SDG&E shall establish a reasonable payment schedule for payment of the delinquent charges.

4. The complaint is granted as set forth above.

This order becomes effective 30 days from today.

Dated JUL 8 1988, at San Francisco, California.

STANLEY W. HULETT  
President

DONALD VIAL  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

Commissioner Frederick R. Duda  
being necessarily absent, did not  
participate.

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

*Victor Weiss*  
Victor Weiss, Executive Director  
10