

Decision 89 02 009 FEB 8 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mailed

GEORGE AUXIER,

Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant.

FEB 8 1989

Case 87-10-009  
(Filed October 13, 1987)

George Auxier, for himself, complainant.  
Susan Rockwell, Attorney at Law, for Pacific Gas  
and Electric Company, defendant.

O P I N I O N

This complaint, supported by the signatures of more than 25 customers of defendant, challenges the reasonableness of the \$5.00 monthly minimum electric charge established in Decision (D.) 86-12-091 in Application 86-04-012.

Defendant Pacific Gas and Electric Company answered and moved to dismiss on the grounds that D.86-12-091 had found the charge reasonable and was now final.

A prehearing conference was held on April 1, 1988. During the conference, a staff representative explained the process of rate design to complainant. It was decided that hearing should be postponed to allow complainant to consider and investigate a different approach, one which did not directly challenge the finding that the charge was reasonable.

On November 16 the assigned Administrative Law Judge wrote to complainant, inquiring about his readiness to proceed to hearing. No answer has been received. Since complainant has failed to move for hearing, this complaint should be dismissed for want of prosecution.

Finding of Fact

Complainant has failed to prosecute.

Conclusions of Law

1. The Commission has previously considered and found reasonable the \$5.00 monthly minimum charge.
2. The complaint should be dismissed for want of prosecution.

ORDER

IT IS ORDERED that this complaint is dismissed.

This order becomes effective 30 days from today.

Dated FEB 8 1989, at San Francisco, California.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. CHANLAN  
Commissioners

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

  
Victor W. Winters, Executive Director