

Mailed

Decision 89-04-040 April 12, 1989

APR 14 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PACIFIC LAND CORPORATION,

Complainant,

vs.

PACIFIC GAS & ELECTRIC  
COMPANY,

Defendant.

Case 86-04-022  
(Filed November 14, 1988)

FINAL OPINION

This decision closes this matter by ordering defendant Pacific Gas and Electric Company (PG&E) to collect \$6,667.72 from complainant Pacific Land Corporation for billed but unpaid electric service.

The extensive background and details of this proceeding are contained in Decision (D.) 87-05-075 dated May 29, 1987, D.87-09-061 dated August 26, 1987, and D.88-03-076 dated March 23, 1988, and will not be restated here.

By D.88-03-076 we ordered PG&E to discontinue service to an irrigation pump operated by Lester M. Saslow if it could be shown that Saslow received but did not pay for electric service to the pump which Pacific Land alleges was used for the benefit of Saslow but paid for by Pacific Land in the amount of \$20,853.84 for the period September 6, 1984 through July 30, 1985. In addition, PG&E was to try to collect \$6,667.72 from Saslow for electric service to the same pump from July 31 to September 19, 1985 billed to Pacific Land but not yet paid by anyone.

On September 20, 1988 PG&E filed a petition to modify D.88-03-076 on the grounds that it had not been able to collect the charges at issue. Attached to its petition is material provided to PG&E by Stephen F. Guiner, attorney for Saslow, which disputes the liability of Saslow for the charges. PG&E pleads that under Ordering Paragraph 2<sup>1</sup> of D.88-03-076 PG&E should, therefore, cease any effort to discontinue service to Saslow. And it requests that the Commission clearly specify from which customer PG&E should attempt to recover the remaining \$6,667.72 owed PG&E and if there is any other action the Commission desires PG&E to take with respect to this matter.

On November 14, 1988, Pacific Land filed a motion for leave to file late its protest to PG&E's petition for modification. Because the protest was filed only one day late due to an office procedure error by Pacific Land's attorney, the motion is granted. The substance of the protest is a declaration by Alvin Dale Long, Vice-President of Pacific Land, who disputes the facts offered by Guiner to PG&E and attached to PG&E's petition to modify.

We will accept PG&E's contention that it has made a good faith effort to comply with our orders in D.88-03-076 and it found no other customer than complainant for the service at issue. Therefore we must find, as we did in Finding 5 of D.87-05-075, that under the tariffs then in effect, PG&E was justified in assuming

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1 "2. If, during any proceedings commenced under PG&E's Electric Rule 11 A.6., the customer billed for services which it received but which were paid for by complainant disputes its liability for those services and provides convincing evidence showing an agreement between that customer and another person whereby that other person agreed to compensate PG&E for such service or in some other fashion negating the presumption that the customer intended to deny PG&E full compensation for services rendered, then PG&E shall cease any efforts to discontinue service to that customer and shall notify the Commission so that further appropriate action can be taken to resolve this proceeding."

that the account was correctly in complainant's name. And therefore, PG&E should not refund the \$20,853.84 already collected from complainant and should take action to collect the remaining \$6,667.72 from complainant.

Findings of Fact

1. PG&E has made a good faith effort to comply with the order of the Commission in D.88-03-076 to determine if any third party involved with the service in question intended to deny PG&E full compensation for that service.

2. Under its tariffs in effect during the period September 6, 1984 to September 19, 1985 PG&E was justified in assuming that the account was correctly in complainant's name and complainant was responsible for the payment of electric service rendered.

Conclusions of Law

1. Case 86-04-022 should be denied.

2. PG&E should be ordered to collect \$6,667.72 from complainant for electric service to complainant's account YTX 93-14509-5 for the period July 31 to September 19, 1985.

FINAL ORDER

IT IS ORDERED that:

1. Case 86-04-022 is denied.
2. Pacific Gas and Electric Company shall collect from Pacific Land Corporation \$6,667.72 for electric service to account YTX 93-14509-5 for the period July 31 to September 19, 1985.

This order becomes effective 30 days from today.

Dated April 12, 1989, at San Francisco, California.

G. MITCHELL WILK  
President  
STANLEY W. HULETT  
JOHN B. OHANIAN  
Commissioners

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

Commissioner Patricia M. Eckert  
present but not participating.

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

*Victor Weissel*

Victor Weissel, Executive Director

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FINAL ORDER

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2. Pacific Gas and Electric Company shall collect from Pacific Land Corporation \$6,667.72 for electric service to account YTX 93-14509-5 for the period July 31 to September 19, 1985.

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