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Decision 90-10-059 October 24, 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT JOE BROWN,

Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant.

Case 86-05-015
(Filed May 12, 1986)

O P I N I O N

On April 19, 1990 Robert Joe Brown (complainant) filed a Petition for Modification of Decision (D.) 87-11-049. The petition seeks modification of the Commission's decision that he reimburse Pacific Gas and Electric Company (PG&E) \$3,042.97 for unmetered gas and electrical energy used over a three-year period.

Complainant states that since his consumption after PG&E installed replacement meters at his house is considerably less than the consumption adopted by the Commission for the period in dispute, the amount to be reimbursed PG&E should be reduced. Also, since he was not at home at the time PG&E removed the meters that were allegedly tampered with, complainant questions how he or the Commission can be sure the meters were not tampered with after removal from his house but before the hearing.

On May 16, 1990, PG&E filed a response opposing the Petition for Modification. PG&E points out that because complainant now uses less electricity and/or gas than he did several years ago, does not prove he did not use the utility services the Commission determined he should be billed for in the decision in this case.

We agree with PG&E. Complainant could have reduced energy consumption after the meters were replaced so that lower

consumption would be recorded. Also, complainant's argument, regarding possible tampering with the meters after removal from his house, should have been raised at the hearing. Complainant's failure to raise this argument is not sufficient reason to modify the decision.

Finding of Fact

Complainant has failed to state a sufficient reason for the Commission to reconsider or modify its prior decision in this matter.

Conclusion of Law

The petition should be denied.

O R D E R

IT IS ORDERED that the Petition for Modification of D.87-11-049 is denied.

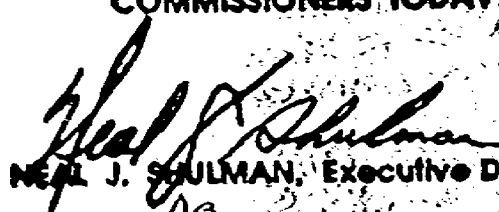
This order is effective today.

Dated October 24, 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
PATRICIA M. ECKERT
Commissioners

Commissioner John B. Ohanian,
being necessarily absent, did
not participate.

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


NEAL J. SAULMAN, Executive Director