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JUN 20 1991

Decision 91-06-040 June 19, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Jerome Patrick Goulart,)
)
 Complainant,)
)
 vs.)
)
 San Diego Gas & Electric)
 Company,)
)
 Defendant.)

ORIGINAL

Case 90-09-044
(Filed September 18, 1990)

O P I N I O N

Jerome Patrick Goulart (Goulart) complains that San Diego Gas and Electric Company (SDG&E) is attempting to enforce collection of a restitution order of the San Diego County Superior Court in favor of SDG&E although the said order has been stayed pending Goulart's appeal.

SDG&E's answer admits the facts alleged in the complaint and avers that it will not attempt to recover the restitution amount until the District Court of Appeal has issued its decision on the Superior Court judgment.

On April 11, 1991, SDG&E sent the Commission a certified copy of the Remittitur and Opinion of the District Court of Appeal entered January 29, 1991 affirming the San Diego County Superior Court judgment and restitution order which is the subject of Goulart's appeal. SDG&E requests dismissal of the complaint.

Findings of Fact

1. Complainant was ordered to make monetary restitution to defendant by an order of the San Diego County Superior Court.
2. Complainant filed an appeal from the judgment and restitution order.

3. The Superior Court issued an order staying the restitution order pending appeal.

4. The Remittitur and Opinion of the District Court of Appeal affirming the Superior Court Judgment was entered January 29, 1991.

5. The appeal is concluded.

Conclusion of Law

The complaint should be dismissed.

O R D E R

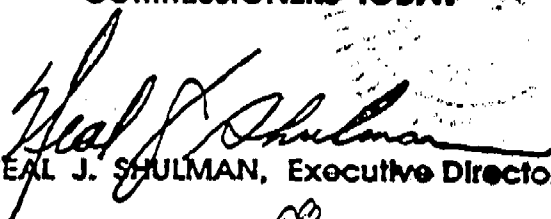
IT IS ORDERED that the complaint is dismissed and this proceeding is closed.

This order becomes effective 30 days from today.

Dated June 19, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director