

SEP 25 1991

Decision 91-09-057 September 25, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CAROL A. PARISIE,  
Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,  
Defendant.

ORIGINAL

Case 90-03-037  
(Filed March 27, 1990)

OPINION

The Commission dismisses this complaint because of complainant's willful refusal (through her designated representative) to attend a properly noticed hearing and proceed with her case.

Background

What should have been a simple bill dispute case evolved into a convoluted stack of motions, correspondence, etc. from the person designated by the complainant to be her representative in this matter, Gene Sehart (Sehart). Two different administrative law judges (ALJ) afforded Sehart every opportunity to put forward complainant's case. Sehart declined to do so.

Hearings before ALJ Weiss

The first hearing in this proceeding was convened on May 11, 1990 in San Jose, California. Appearing for complainant Carol A. Parisie was Sehart pursuant to a letter dated May 2, 1990 from Parisie to ALJ Weiss. As a preliminary matter, ALJ Weiss marked as Exhibit 1 for identification the informal complaint file from the Commission's Consumer Affairs Branch (CAB).

When Sehart was asked to make his opening statement, he instead began a series of motions. His first motion was to disqualify ALJ Weiss. Sehart called ALJ Weiss as a witness to

attempt to prove his bias on this matter. While it was not necessary for ALJ Weiss to put himself under oath to deal with this motion, he did so. ALJ Weiss correctly ruled on the motion and did not disqualify himself.

As the day progressed Sehrt made a total of 17 additional motions. Many of them had to do with discovery requests that went far beyond the scope of the complaint. The first day of hearing concluded without a single witness being called.

The second day of hearing was held on the afternoon of May 14, 1990 for the convenience of Sehrt. Sehrt described in some detail his conversations with the assigned commissioner's office, where he complained that he had been denied a reasonable opportunity to conduct discovery. Despite these representations of Sehrt, ALJ Weiss properly proceeded with the hearing. After some prodding from the ALJ to put on his case, Sehrt finally called Pacific Gas and Electric Company (PG&E) employee Steven Campbell to the stand. Sehrt refused to provide any direct testimony on the merits of complainant's allegations. The complainant never attended the hearings. Campbell is the PG&E customer services representative who was involved with the Parisie complaint. At the close of hearing that day the matter was continued.

The third day of hearing commenced on October 22, 1990, again in San Jose. ALJ Weiss commenced the proceeding at 10:15 a.m. even though the matter was set for 10:00 a.m. Sehrt did not appear.

ALJ Weiss began the proceeding by ruling on several written motions submitted by Sehrt. The first motion was another attempt to disqualify the ALJ. An extremely lengthy motion requested discovery and document production that went far beyond the billing dispute in question. In addition, the motion sought a \$120 million penalty from PG&E for its purported refusal to respond to discovery.

ALJ Weiss stated on the record that the notice to attend the hearing had stated the hearing location as 71 West Hedding Street, Room 157. He stated "It should be noted that there is no 71, that the area across the street from 70 West Hedding, the Government Center identified in the notice, is either parking lot or park-like landscaping. All other people involved in this proceeding found their way to the appropriate hearing room without a problem." (RT Volume 3, p. 199.)

ALJ Weiss proceeded to examine PG&E's witness Campbell in an effort to get a chronology of what had happened with the complainant's account and to get to the heart of the dispute between complainant and PG&E. The presence of Sehrt had thus far made it impossible to develop any record on the merits of the case.

According to the testimony of Campbell, the account in question at 5368 Lenora Avenue in San Jose was originally opened in the name of Joseph Parisie. The bills for that address were paid in the name of Joseph up until January 1989 even though the records do not reflect who actually signed the checks. On January 17, 1989 the name on the account changed to Carol Parisie. Campbell established that the period between November 28, 1989 through January 18, 1990 no payment was received or credited to this account. Campbell testified that during this period there was contact regarding the change of the name for the account. "There was in fact contact during this period of time. Mr. Parisie - a man claiming to be Carol Parisie contacted our office at 111 Almaden Boulevard stating that he had had trouble getting this name situation resolved. The call worked its way through the customer services channel and landed on my desk. I had conversations with the gentleman claiming to be Carol Parisie." (RT Vol. 3, p. 207.) (Although Carol may be either a woman's or a man's given name, the complaint refers to complainant as a woman.)

Campbell testified that he had a number of conversations with the man claiming to be Carol Parisie. These conversations

with the man alleging to be Carol Parisie took place in the fall of 1989, some ten months after the account had already been changed to Carol Parisie's name.

Campbell testified that after an informal complaint had been filed at the CAB and while the investigation was pending, PG&E did not request nor attempt to collect payments from the customer. Campbell reiterated that PG&E first became aware that there was a dispute over this account in late 1989. The dispute arose from calls to the local office from a gentleman purporting to be Carol Parisie and saying that the bill should have been taken out of Joseph's name and put into Carol's name retroactively. Campbell testified that he was able to identify Sehrt as the person who was claiming to be Carol Parisie. As far as Campbell could ascertain, Sehrt's contention was that part of the money owing on the account in fact should be paid by Joseph Parisie, not Carol Parisie. Campbell pursued this theory and wrote to Joseph Parisie who responded with a letter stating that he did not live at that address, his wife and daughter did, and he presumed that Sehrt also did. Further, Campbell testified that correspondence he sent to 5368 Lenora Avenue was not returned to him, and he received phone calls in response to correspondence he sent.

Finally, Campbell testified that neither Sehrt nor Carol Parisie had ever denied living at the premise. In his opinion Carol Parisie was responsible for this account under PG&E Tariff Rule 3-C, which essentially provides that where two adults occupy the same premises, they shall be jointly and severally liable for the services.

There being no further witness to call, the ALJ received all exhibits into evidence and submitted the matter at 11:15 a.m.

On that same day Sehrt sent a letter to the secretary of the Executive Director of the Public Utilities Commission (PUC) stating that he had attempted to attend the hearing, but the location was in a parking lot at 71 West Hedding in San Jose, as

the notice had indicated. In his letter he stated he was unable to locate the other parties and the hearing. He claimed that the PUC agreed to renote the hearing with a corrected location.

On October 31, 1990, ALJ Weiss issued a ruling indicating that the misprint in address on the notice of hearing was in his view a minor error. The ruling stated:

"It appears that the calendar clerk listed the Government Center building on West Hedding as being at address 71, whereas it is really across the street at address 70 West Hedding, and is a very large building occupying the entire south side of the 100 block of West Hedding between North First Street and San Pedro Street. The entire block across the street on the north side of West Hedding is the county's parking lot for the Government Center. There are no buildings on the north side. The entry stairs at mid block to 70 West Hedding prominently displays a large 2-way sign which states '70 West Hedding Santa Clara County Government Center.'

"This 2-way sign is visible from West Hedding Street in either direction and from the parking lot across the street.

"As the multi-storied Government Center building at 70 West Hedding is the only building on either side of the 100 block of West Hedding, is clearly marked as 'Government Center,' and Room 157 is 10 feet behind the large reception-information desk (manned by 2 receptionists at 10 a.m., October 22, 1990) just inside the main entry of the building, and as all other persons involved in the hearing (who all had the same notice) appeared without delay or difficulty, it appears obvious that claimant deliberately avoided appearing, and is attempting to seize upon a technicality to avoid or further delay hearing.

"The ALJ perceives no satisfactory or legal reason to set aside submission."

Reassignment to ALJ Kiernan-Harrington

The proceeding was reassigned to ALJ Kiernan-Harrington on November 5, 1990. On November 6, 1990, Sehrt filed a document entitled "Objection to Ruling on Notice of Evidentiary Hearing Notice Defect and Hearing Resetting." The second filing, on November 15, 1990, was a "Motion to Expunge Exhibit I and Vacate All Rulings of ALJ Weiss and for Discovery."

On November 20, 1990, ALJ Kiernan-Harrington issued a ruling responding to these two filings by Sehrt. The ruling set aside submission of the proceeding and set an evidentiary hearing for Monday, December 10, 1990, at 10 a.m., in the Commission Courtroom in San Francisco. She further ordered that the PG&E witness, Campbell, who testified on October 27, 1990, should be made available for cross-examination by the complainant at that time. Further, she set oral argument on Sehrt's Motion to Expunge Exhibit I and Vacate All Rulings of ALJ Weiss and for Discovery. Finally, the ruling indicated that the complainant should be prepared to proceed with her case in the event that her motion was denied.

ALJ Kiernan-Harrington convened the hearing on December 10, 1990 as properly noticed. First, she marked as Exhibit 8 for identification a letter from Sehrt dated December 5, 1990 which she found on her desk at 8:30 a.m. that morning. PG&E informed the ALJ that it did not receive a copy. The ALJ then recessed the proceeding till approximately 10:30 a.m. to see if Sehrt was going to arrive. Sehrt did not arrive. Upon reconvening and hearing no objection, the ALJ received Exhibit 8 into evidence. She summarized Exhibit 8 as a letter from Sehrt full of accusations against herself, ALJ Weiss, PG&E, and others that they were conspiring to deprive Sehrt of his due process rights. The ALJ denied Sehrt's motion for additional discovery due to his failure to attend the hearing. She further noted that Sehrt had made no

attempt to contact her to request a continuance of the hearing. Therefore, the case was once again submitted.

Another piece of correspondence was received by the ALJ from Sehrt after submission of the case. On December 18, 1990, the ALJ issued a ruling reopening the case for the limited purpose of identifying Sehrt's December 8, 1990 letter as Exhibit 9. The ALJ gave parties until December 28, 1990 to submit objections to its receipt in evidence at which time the matter would again be submitted. Further, the ALJ ordered the complainant to serve any further correspondence sent to her on the defendant also. Exhibit 9 was another five-page letter from Sehrt. At the end of the letter he states that he did not intend to attend the hearings on December 10. (Exhibit 9 is attached as Appendix A to this decision.)

The ALJ received further correspondence from Sehrt objecting to marking both Exhibit 8 and Exhibit 9 as exhibits. Further, on January 3, 1991, Sehrt filed a "Statement of Disqualification of PUC Commissioners Wilk, Eckert, Hulett, Duda, and Ohanian." (Attached as Appendix B to this decision.) Nothing further has been received from Sehrt in this docket since that time.

#### Discussion

It is painfully obvious from the record we have just summarized that complainant's representative, Gene Sehrt, abused our process. It is clear that complainant, Carol Parisio, was not well served by his representation.

We dismiss this complaint for complainant and her representative's willful refusal (as evidenced by Exhibit 9) to attend the hearing on December 10, 1990. This refusal to attend is particularly outrageous in light of the fact that the hearing was set in response to a request by complainant. Sehrt's refusal to attend the hearing on December 10, 1990 adds credence to ALJ Weiss' opinion that Sehrt purposely avoided finding the hearing room.

location on October 22, 1990. We have clearly cured any potential due process problem caused by the incorrect address given in the October 22, 1990 hearing notice. Sehrt has decided to remove himself from our process amid his accusations of conspiracy and wrongdoing.

Even though we have no need to reach the merits of this complaint, we note that the facts as they have been developed indicate that Carol Parisie is indeed responsible for all bills at 5368 Lenora Avenue. There are no facts in the record other than that Carol Parisie lived at that address continuously and as such is responsible for the bills under PG&E Tariff Rule 3-C. On the merits, she deserves none of the relief requested in her complaint. If she does not pay any money due and owing on this account in full, she will be subject to disconnection under PG&E's tariffs.

The huge volume of papers generated in this proceeding over what should have been a relatively simple billing dispute, and the acrimony with which Sehrt conducted himself, make it necessary for us to take further action. In order to protect other persons whom Sehrt might attempt to represent before the Commission, we will bar him from representing any other persons in our proceedings. Further, we find that Sehrt's handling of this matter was frivolous. We admonish Sehrt to refrain from bringing such actions before this Commission in the future. We remind Sehrt that the Commission possesses contempt powers which will be invoked if necessary.

#### Findings of Fact

1. Complainant, Carol A. Parisie, appointed Gene Sehrt as her representative in this proceeding.
2. ALJ Weiss properly denied Sehrt's motion to disqualify the ALJ.
3. The complainant never attended the hearings.
4. Complainant's representative, Sehrt, refused to provide any direct testimony on the merits of complainant's allegations.



5. ALJ Weiss properly denied Sehrt's many discovery motions as being beyond the scope of the proceeding.

6. A hearing set for October 22, 1990 was incorrectly noticed at 71 West Hedding instead of 70 West Hedding in San Jose.

7. 70 West Hedding is the location of the Santa Clara County Government Center, which is clearly visible from the street. 71 West Hedding, the incorrect address given, is obviously the parking lot for the government center.

8. All other parties in the proceeding found the hearing room at 71 West Hedding on October 22, 1990.

9. Sehrt sent a letter to the Commission claiming he could not find the hearing room on October 22, 1990.

10. The ALJ issued a ruling stating he perceived no satisfactory or legal reason to set aside submission.

11. This case was reassigned to another ALJ, submission was set aside and hearing was set for December 10, 1990 at the Commission's San Francisco Courtroom.

12. Complainant's representative, Sehrt, did not attend the properly noticed hearing on December 10, 1990.

13. The ALJ properly received as evidence Exhibits 8 and 9, correspondence from Sehrt delineating his various conspiracy theories and stating his refusal to attend the December 10, 1990 hearing.

14. On January 3, 1991, Sehrt, filed a "Statement of Disqualification of PUC Commissioners Wilk, Eckert, Hulett, Duda, and Ohanian."

15. The unrefuted testimony shows that complainant continually resided at 5368 Lenora Avenue and is responsible for all charges under PG&E Tariff Rule 3-C.

16. Sehrt abused our process and failed to adequately represent complainant as evidenced by the voluminous record in this proceeding.

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Conclusions of Law

1. The Commission should dismiss this complaint with prejudice because of complainant's and complainant's representative's willful refusal to attend the properly noticed hearing on December 10, 1990.
2. Complainant should pay PG&E all money due on the 5368 Lenora Avenue account because she has resided there continuously during the time in question.
3. Sehrt should not be allowed to represent other persons before the Commission because of his outrageous behavior in this proceeding and the need to protect those other persons.
4. Sehrt's handling of this proceeding was frivolous.

ORDER

IT IS ORDERED that:

1. This complaint is dismissed with prejudice.
2. Complainant's representative, Gene Sehrt, is barred from representing other persons in proceedings before this Commission.

This order becomes effective 30 days from today.

Dated September 25, 1991, at San Francisco, California.

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

I abstain.

/s/ G. MITCHELL WILK  
 Commissioner

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

*Neal J. Shulman*  
 NEAL J. SHULMAN, Executive Director

Gene Sehrt

5368 Lenora Avenue  
San Jose, CA 95124

Exhibit 9

December 8, 1990.

PERSONAL TO:

Ms. Kathleen Kiernan-Harrington, ALJ  
California Public Utilities Commission  
505 Van Ness Avenue, Room 5007  
San Francisco, CA 94102

Re: Parisie v PGE, C90-03-037

Dear Ms. Kiernan-Harrington:

My December 5, 1990 letter was delivered to your office about 4:30 pm on Friday December 7, 1990. The first paragraph of that letter had errors and should have read: "This letter will be delivered to you before closing, December 7, 1990, and I request that you respond to it that day before the postal mail gets picked up so that I may receive your answer on Saturday, December 8, 1990."

This letter communicates to you information supplemental to that letter on the issues in that letter.

You know that if it were not for this PUC-utility created and utility participated in PUC informal and formal complaint procedure, PGE would not by its state actions be able to deprive Ms. Parisie or any other consumer of their property rights to state franchised monopoly utility service without going to court and proving that the utility and the customer had a valid contract requiring the customer to pay for the service, or that the customer used the service while being reasonably charged with knowing that it would be their obligation to pay for it and that the utility had clean hands (which extortion or other criminal or probably even illegal acts prevent). In that civil court the customers civil rights would be protected by their constitutional due process rights, and the utility could not engage in its state actions to interfere with service until it had a court judgment. Tell me that the court judgment process takes too long and I will only point out that the PUC and PGE determine the deposit amounts, not the customer, and that all vendors who elect to give credit take the risk of bad judgments in granting it or of unforeseen subsequent negative events. PGE can control its losses by rapid attention to problems and somewhat larger deposits. Ms. Parisie and others would have to pay a larger deposit if the rules required it, and if PGE management is irresponsible in their oversight of credit and deposit account delinquencies (requiring 10 for days billing, 19 days for payment and 15 days notice to terminate for a total of about 45 days) or in their request for larger deposit amounts in light of the state's about 30 to 60 day judicial determination procedures, they or the shareholders who control in theory who these managers are, will have to carry the costs of such bad management. Perhaps deposits should be 3 or four months highest bills.

Nonetheless, as an attorney licensed to practice law in California, you are charged with knowing that consumer's rights to monopoly utility service are property, and that CPUC regulated utilities acts in depriving them of such service constitutes state action. You are further charged with knowing that if a utility by its state action acts to interrupt or deny such service property without according due process rights to an applicant for or a customer of such service property, and the applicant or customer, is coerced to pay over other of their property without due process to get or retain such service, the acts are extortion under the California and thus also under the U.S. penal codes.

You are also charged with knowing that attempts to deprive property rights by an administrative agency tribunal: (1) which purposefully denies, contrary to law, even winning consumer complainants recovery of the representation costs which it acknowledges it has the power to award and appears to have the duty to award and instead requires complainants expend resources without possibility of recovery just to cope with the PUC's vague, secret and biased PUC procedures; and (2) in which many critical both procedural and substantive practices are hidden from and virtually unknowable to consumer litigants, because required annotated rules are not made available to consumers; and (3) which has no required written rules in critical areas such as rights to have motions heard and decided before trial, and on discovery; and (4) which denies fundamental rights including adequate (or in the Parisie case any) discovery; and (5) which puts on complainants the burden of proving that they are entitled to their property right service or do not owe the utility what the utility merely states the complainant does; and (6) which then arbitrarily and without justification, and contrary to its own procedural rules abuses discretion by denying complainants necessary, (noncumulative) nonhearsay witnesses and hearing time to adequately present all of the points of their case on or defense to the issues raised in the pleadings; and (7) then favors utilities by knowingly disregarding customer's and attorney's understandings of state contract and equity law; and (8) which then purports allow the imposition of contract terms on applicants without disclosure of them and on customers without notice prior to attempts to change terms or after claimed changes in those contracts terms; and (9) which provides widely complained of and almost universally believed utility favoring adjudicators (who it does not require to evidence any basis for many of their rulings) and statistically biased decisions; and (10) which denies the right to disqualify adjudicators whose acts of bias are evidencable; and (11) which denies interim appeals of or writs to remedy erroneous or purposely biased decisions; and (12) which debates and makes its decisions in secret, often by political deals, and merely announces them in open public meetings; and (13) which does not provide for stays on appeal of its biased and due process denying decisions; and (14) which performs all of these improper acts with the assurance that the only appellate tribunal provides at best a statistically nonexistent remedy on appeal from this quasi judicial tribunal whose managers and staff have undisclosed, secret and covert meetings to accomplish these improper acts against the interests of consumers - whose interests are supposed to be one of the PUC's primary purposes for existing, and whose results are cloaked by illegally secreting records, but evidenced by the few records which are public and disclose its pattern of bias in favor of the managers of utility regulatees and their utilities.

It has become clear from only the limited view of PUC activities that I have, compared to your years of experience in the very area that makes and implements the corrupt arrangements that benefit utilities and deprive consumers their property, that the PUC is a corrupt organization for quite a long ways down from the top. PGE alone didn't devise the schemes of secret meetings and fraudulent representations to consumers as a part of the scheme to allow PGE to determine the outcome of many PUC cases. It is neither an accident or a sole act of PGE that utilities are provided a favored forum and not required to sue in civil courts which are supposed to give consumers full judicial forum protections before utilities can deny or interrupt a consumer's service at times the utilities seek to adjudicate the consumer's liability for amounts they claim due them.

And if you don't know, you are hereby informed that PGE and PUC officials, including yourself have by your acts aided and abetted PGE and other utilities to employ practice of using these PUC-PGE jointly created (without consumer input or representation) means which these creators allege allows them to so act, to extort the property of either service or money from nonobligated consumers. My knowledge and information includes not just Ms. Parisie's case but others where persons with absolutely no legal (from my investigation and legal training) (or normatively even any ethical) obligation have been extorted by this joint PUC-utility scheme into paying PGE and other utilities or undergoing arduous, biased against them, expensive to them, proceedings at the PUC, or losing their service. These cases are included in those categorized under the caption "disputed customer of record" in your CAB's files.

Given your knowledge of these denials of due process to consumer complainants at the PUC, you are charged with knowing that the utilities acts to state action deprive service right property without due process or to extort money property by state action without due process constitutes a violation of the criminal laws of California and the U.S. Your personal participation in these acts by continuing these John Weiss denials of Ms. Parisie's and others due process rights, is not only a violation of these laws, but ought to be of significant interest to the state bar. Just because you are a part of a bullying and corrupt government agency with protective political influence, does not mean that influence is great enough to save you when these matters become widely known to the citizens. And, Mary's transfer to a new area of influence won't protect anyone in the federal system. Think about it, do you want to tough it out or gather what you know of the illegalities and try to protect yourself?

I don't know you or have any bias against you except by your acts. I am only interested in justice and right, not a functional word at PUC or PGE. Being so interested, I suggest that it is appropriate for you to now use common sense and even conscience if that functions, because you have in my judgment already clearly evidenced your joinder in these illegal PUC-PGE acts, and are being subjected to the consequences for that. You have not only joined John Weiss' acts of denying discovery and a pretrial conference, but as he you, as an attorney, have knowingly participated in furthering the PUC PGE conspiracy to deprive consumers of their property by state action deprivations of their due process civil rights. Your hearing notice shows that you have even violated the Public Utilities code (PUCS) in doing so.

Complainants are entitled by PUCS 1794 to compel the taking of depositions of PUC complaint defendants and other witnesses by CCP civil action procedures. We were denied that by John Weiss' clearly intended discovery denial trial in an unheard of speed. We moved orally for such discovery and were told by him by telephone that we were not entitled to any discovery whatsoever, and on the record I believe, that we were not entitled to discovery first because we didn't ask for it during the answer time while we did not know and were trying to get both the discovery rules the PUC is required by PUCS 322 to publish in annotated form but defiantly refuses to do so, and while we were waiting for the PGE's answer which would frame the issues. Later John Weiss, again on the record I believe, said we were not entitled to any discovery because we did not do it in the 10 busy days to the trial date he set from the notice of it we received. But we did ask PGE to attend and produce, even though the notice was not statutorily within time because it required more notice than the time given by Weiss from his notice of the trial date to the actual trial date.

From John Weiss' acts it was clear that it was impossible to get any discovery under his adjudicature. I asked his assigned commissioner's staff person to remove him and was I informed by implication by your executive director that I should just wait as such was being worked on. Then I discovered that PGE's illegal acts were corruptly joined in by the PUC and started to document this joint corruption. At the point upper PUC management realized that I was evidencing these criminal acts of corruption, they attempted to shut me off from further PUC corruption information and evidence sources, and the trial hearings on this case were then rescheduled by Weiss as punishment. In response to that tactic, I worked many hours to file motions and other documents that you purposefully chose to either ignore based on the information imparted to you by Weiss and/or others, or otherwise to not yourself read and grant significance to. Everything was there in the file to give you knowledge and to charge you with knowledge of the criminal denial of due process rights in this case, and you joined in also depriving Ms. Parisie of her due process federal civil rights, just as it appears from my information that you have also similarly done in other cases.

As you presumably also know, a complainant's right to CCP discovery is not only made useless by an enforcement denying adjudicator if the defendant's refuses to comply with them as PGE said it would, but here the defendant also refused to disclose any of its operating functionalities or its areas of operational responsibilities and authority so that the complainant was at best relegated to sequentially deposing witnesses to learn from them other witnesses names and the documents of the first witness for subsequent subpoena, and so on, ad infinitum until the truth, or as close to it as one can get in an institution whose policy is fraud, is discovered. Informal complaints on PGE's refusals to allow this pre discovery or first step discovery information have been made to the CAB without even any response. ALJ's knowingly let it go on, the CAB lets it go on, the PUC lets it go on. You have now evidenced yourself as a knowing part of these intentional PGE and joint PUC deprivations of Ms. Parisie's and other's due process civil rights.

Also, as you know, a complainant is entitled to make his case on all of the issues complained of and on all of the issues raised by affirmative defenses in answers, and to answer cross complaints. By your notice to

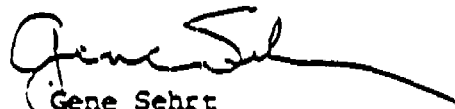
hold a December 10, 1990 trial without discovery, you purposefully limited witnesses available to Ms. Parisie to prove PGE's misconduct at the trial to one witness who we did not wish or know anything about except that he had no personal knowledge of the arrangements between Ms. Parisie and PGE. Your acts fully evidence your purposes to deprive Ms. Parisie a fair trial and to deprive her a fair adjudicator, which is another requirement of due process of which you have deprived her. In addition to due process, PUCS 1705 requires you to allow her to subpoena all necessary witnesses to present her case. You can't reasonably claim that this statute, passed by the constitutionally empowered PUC plenary authority Legislature, requires you to be compelled to subpoena such witnesses and to then allows you to prevent such witnesses from appearing by your own rule or practice.

Even if you claimed such, your own rule 49 requires that limitations of witnesses numbers or testimony or exhibits be done at a prehearing conference which you know has not been held in this case and which your notice in this case and your conduct in other cases clearly evidences you did not intend to hold in any meaningful time relation to allow discovery and trial preparation. The same prehearing conference is required to limit issues, yet you gutted them by your acts as evidenced in your notice. Clearly, you had no basis for determining that the witnesses we asked to discover of would have testimony for our case which was unnecessary by reason of its being cumulative, the only ground allowed for you to limit witnesses by your own rule 58. Equally clear is that your PUC rule 63 does not authorize acts on bases different than that allowed by specific PUC limitation rules or by statute. It says as much on its face, and the statute absolutely allows the witnesses you eliminated. Furthermore, to the extent you claim that the rules are sufficiently nonspecific to allow you to do so, they are standardless and deny due process in addition to complete rules being nonexistent in violation of the requirements of PUCS 322. Even PUCS 311 authorizing ALJ evidence exclusion in accordance with the rules and practices of the commission does not under the circumstances of PUC secret practices carried out in defiance of my requests for information and in further defiance of the Legislatures' command that you publish annual case annotated versions of your rules, allow ALJ's to lawfully exclude any evidence in violation of the express standards in those few rules on the subject the PUC has and makes public.

All in all Ms. Keirnan-Harrington, you have well evidenced your intentional deprivation of property by your state action deprivations of civil rights. Being a California attorney you also are charged with knowing that under Abelliera and Auto Equity Sales, your or the PUC's acts which do that are in excess of any jurisdiction the PUC or you may claim to have and are wholly void. Therefore, for these reasons also, I will not be attending Monday's hearings or any other proceedings which exceed your or the PUC's jurisdiction. Any acts by you, the PUC or PGE or its actors taken pursuant to any claim of reliance on such void acts will subject not just the actor, but all of you to legal consequence liability.

Therefore, if you purport to act further in this case, I will also act further to protect my client from your joint PUC-PGE corruption in the best ways I believe I can do so.

Very truly yours,

  
Gene Sehart

APPENDIX B

C.90-03-037

Gene Sehrt, Representative,  
for Carol A. Parisie  
& 5368 Lenora Avenue  
San Jose, CA 95124  
Telephone (408) 266-6787

COMPLAINANT

**FILED**  
PUBLIC UTILITIES COMMISSION

STATE OF CALIFORNIA     JAN 5 1991  
PUBLIC UTILITIES COMMISSION

CAROL A. PARISIE,     )  
                          )     Complainant,     )  
                          )     - vs -             )  
                          )     PACIFIC GAS AND ELECTRIC CO.     )  
                          )     77 Beale St., San Francisco.     )  
                          )     CA, 94106 (PGE),             )  
                          )     Defendant.             )

SAN FRANCISCO OFFICE  
CASE NUMBER C 90 - 03 - 037  
STATEMENT OF DISQUALIFICATION  
OF PUC COMMISSIONERS WILK,  
ECKERT, HULETT, DUDA AND  
OHANIAN  
  
(CCP 170.1, U.S. Constitution  
Amendment XIV, Hanna v Larch)

I hereby certify under penalty of perjury that California Public Utilities Commissioners G. Mitchell Wilk, Patricia Eckert, Stanley Hulett, Frederick Duda and John Ohanian are disqualified in this case because they each are biased against the complainant and/or her representative in this matter, and are unable to fairly adjudicate it in conformance with U.S. Constitution, Amendment XIV, Due Process standards, in that: (1) they have denied the complainant and her representative public records, and violated the California criminal laws to do so, (2) on information and belief they are aware that they are the subjects of criminal investigations initiated by the complainant's representative and have acted to corruptly attempt to escape punishment for this and other of their crimes and (3) a person aware of the facts would reasonably entertain a doubt that any of them would be able to be impartial in this case. This disqualification does not seek to and does not disqualify the state agency, the PUC itself.

Executed at San Jose, California, January 3, 1991

Gene Sehrt  
Representative for Complainant  
Carol A. Parisie