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Decision 91-09-058 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 90-12-022
 (Filed December 7, 1990)
 Case 91-01-002
 (Filed January 3, 1991)

OPINION

Complainant, Carol A. Parisie, has filed two additional complaints regarding the same dispute as set forth in Case (C.) 90-03-037. That case was dismissed by Decision (D.) 91-09-057. C.90-12-022 and C.91-01-002 relate to the same dispute as was dismissed in C.90-03-037. While the language in the two new complaints is somewhat different, the gravamen of the complaints is the same.

Pacific Gas and Electric Company (PG&E) has filed a Motion to Dismiss. PG&E submits that under the doctrines of collateral estoppel and res judicata, complainant should not be allowed to argue the same case again before the Commission.

We agree with PG&E. We will dismiss C.90-12-022 and C.91-01-002 with prejudice because the allegations and issues are the same as those dismissed in D.91-09-057 and the parties are identical. We warn complainant that further filings of complaints regarding this same dispute over her bill at 5368 Lenora Avenue in San Jose may result in the invoking of the Commission's contempt power.

Even though these complaints were filed separately, we will on our own motion consolidate them for purposes of this decision.

Findings of Fact

1. C.90-03-037 was dismissed by D.91-09-057. That case dealt with complainant Carol Parisie's dispute with PG&E over her account at 5368 Lenora Avenue.

2. C.90-12-022 and C.91-01-002 are based on the same facts, issues, and allegations as those found in C.90-03-037, and the parties are identical.

Conclusion of Law

C.90-12-022 and C.91-01-002 should be dismissed with prejudice under the doctrines of collateral estoppel and res judicata.

ORDER

IT IS ORDERED that Case 90-12-022 and Case 91-01-002 are dismissed with prejudice.

This order is effective today.

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

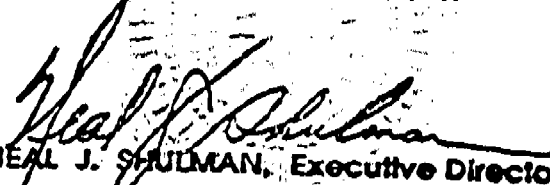
PATRICIA M. ECKERT
President
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

I abstain.

/s/ G. MITCHELL WILK
COMMISSIONER

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

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NEAL J. SHULMAN, Executive Director
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