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Decision 92-01-006 January 10, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RICHARD A. MAIZE,

Complainant,

vs.

SAN DIEGO GAS & ELECTRIC
COMPANY,

Defendant.

ORIGINAL

(ECP)

Case 91-09-043

(Filed September 19, 1991)

O P I N I O N

Richard Maize contests \$1,963.06 in charges from San Diego Gas & Electric Company (SDG&E) for service provided after May 11, 1990, to certain properties in San Diego previously owned by Richard and Rochelle Maize. Mr. Maize states that on May 11, 1990, he called SDG&E and told a customer service representative that he had transferred title of the property to Robert Scaccianoce and that billing should be transferred to Mr. Scaccianoce. SDG&E says that it has no records indicating that Mr. Maize notified the utility of the billing change prior to November 13, 1990.

Mr. Maize filed this expedited complaint on September 19, 1991 asking to be relieved of his remaining debt and for reimbursement of the portions of \$1,963.06 that he has already paid. SDG&E's answer was submitted to the San Diego office of the Commission for filing on October 25, 1991 and rejected for failure to include verification. This omission was corrected and a hearing was held in Los Angeles on November 12, 1991.

Richard and Rochelle Maize held title to the 32-unit building at 5705-23 Bates Street in San Diego for only a few months, during which Mr. Maize experienced many difficulties. According to Mr. Maize, the street on which the building is located

is frequently the site of illegal and otherwise unpleasant activities. In order to avoid further losses, Mr. Maize transferred title to Mr. Scaccianoce on May 1, 1990. He says he notified SDG&E of the change ten days later.

Many of Mr. Maize's transactions were complicated by his use of a management company as his agent for the Bates Street property. All SDG&E bills were mailed to a post office box assigned to the management firm. Mr. Maize asserts that the company was stealing his funds, that he fired the management company just prior to transferring title, and that he informed SDG&E that the final bill should be mailed directly to him.

Mr. Maize never received a final bill. SDG&E says that all bills after May 11, 1990, including final bills, were mailed to the management firm's post office box.

Mr. Maize has cooperated with efforts to collect all past-due amounts of which he has been notified. He has been paying off the remaining balance at a rate of \$300/month while continuing to contest all charges. As of November 12, 1991, \$899.95 remained due.

At the hearing, SDG&E and Mr. Maize agreed to resolve their dispute by relieving Mr. Maize of any responsibility for the remaining \$899.95 and allowing SDG&E to at least temporarily keep all sums collected from Mr. Maize to date. Both parties feel that Mr. Scaccianoce should be held responsible for all bills subsequent to May 11, 1990. SDG&E indicated that it would seek reimbursement of the full charges of \$1,963.06 from Mr. Scaccianoce, and will reimburse Mr. Maize for any amounts collected from Mr. Scaccianoce in excess of \$899.95.

This is a reasonable resolution of the billing dispute. We have no reason to disbelieve Mr. Maize's assertion that he called SDG&E on May 11, 1990 to notify the utility of the transfer. However, Mr. Maize's actions in relying on and then abandoning the management firm without providing written notice to SDG&E may have

contributed to the billing confusion and the accumulation of past-due charges. Mr. Maize could have noticed that he never received a final bill from SDG&E and stopped the continuing charges with a timely inquiry. At one point, he was notified by a collection service of \$290 in past-due bills from SDG&E and paid that amount without calling SDG&E to determine the source of the problem. An inquiry at this point as well could have avoided some of the losses.

ORDER

IT IS ORDERED that:

1. San Diego Gas & Electric Company shall relieve Richard Maize of \$899.95 currently owing for service provided to 5705-23 Bates Street in San Diego from May 11 to November 13, 1990 and reimburse Mr. Maize for sums in excess of that amount collected from Mr. Scaccianoce for service to 5705-23 Bates Street during the same period.
2. All sums deposited by Mr. Maize with the Commission related to this complaint shall be returned to Mr. Maize.
3. The docket is closed.

This order is effective today.

Dated January 10, 1992, at San Francisco, California.

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

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

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NEAL J. SHULMAN, Executive Director