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Decision 92-02-035 February 5, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

ROGER S. WALDBAUM, Complainant, vs. SOUTHERN CALIFORNIA GAS COMPANY, (U 904 G) Defendant.	Case 91-08-010 (Filed August 2, 1991)

ORDER DENYING REHEARING AND MODIFICATION OF DECISION 91-11-011

Roger S. Waldbaum has filed an application for rehearing of Decision 91-11-011 alleging that the Commission erred in dismissing his complaint against Southern California Gas Company (SoCalGas) for failure to comply with Public Utilities Code section 1702 by not appending the requisite number of signatures to his complaint questioning the reasonableness of SoCalGas' charges for complainant's gas service. Complainant also alleges that the Commission erred in not notifying him of a hearing and, additionally seeks rehearing for a clerical error.

No hearing was convened in this proceeding, nor was one required. The complaint was dismissed because it did not comply with the statutory requirements of Public Utilities Code section 1702. Pursuant to the provisions of Public Utilities Code section 1702, complaints concerning the reasonableness of gas corporation rates or charges shall not be accepted unless signed by at least 25 actual or prospective consumers or purchasers of such gas service. For purposes of this case, we consider the complaint to be one that comes within this requirement since it relates to the reasonableness of a utility-wide billing practice which affects a rate. Complainant alleged he was overcharged on his monthly statement because of SoCalGas' practice of rounding up or down fractional therms to whole therms for billing

purposes. Complainant has challenged the reasonableness of the charges for his gas service, however, his complaint was not signed by 25 or more actual or prospective consumers or purchasers of SoCalGas' service as required by section 1702. We note that SoCalGas in its response states that it both rounds up and down in its billing practice. Of course, complainant may pursue the billing issue if he desires as an interested party in the next SoCalGas rate case.

The clerical error, misspelling of complainants' name in Decision 91-11-011, does not require a rehearing to correct. An Order Correcting Clerical Error was issued on January 14, 1992 correcting the error. No further discussion is required of complainant's allegations of error. Accordingly, upon reviewing each and every allegation of error raised by complainant, we conclude that sufficient grounds for rehearing of Decision 91-11-011 have not been shown.

Additionally, SoCalGas has requested a modification of Decision 91-11-011. SoCalGas seeks to have the complaint dismissed for the additional reason that complainant failed to reply to SoCalGas' motion to dismiss. SoCalGas also argues that its practice of rounding fractional therms to whole therms does not result in overcharges to its customers. We have reviewed SoCalGas' arguments and conclude they do not provide sufficient reasons for modification of the decision.

THEREFORE, IT IS ORDERED:

1) That the application for rehearing of Decision 91-11-011 filed by Roger S. Waldbaum is denied.

2) That the petition for modification of Decision 91-11-011 filed by the Southern California Gas Company is denied.

This order is effective today.

Dated February 5, 1992, at San Francisco, California.

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

NEAL J. SHULMAN, Executive Director

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