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Decision 92-05-005 May 8, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Terry B. Knutson, Complainant, vs. GTE California Incorporated (U 1002 C), Defendant.	Case 88-10-003 (Filed October 3, 1988)
Terry B. Knutson, Complainant, vs. GTE California Incorporated (U 1002 C), Defendant.	Case 90-07-059 (Filed July 24, 1990)
Terry B. Knutson, Complainant, vs. GTE California Incorporated (U 1002 C), Defendant.	Case 90-09-057 (Filed September 25, 1990)
Terry B. Knutson, Complainant, vs. GTE California Incorporated (U 1002 C), Defendant.	Case 90-12-059 (Filed December 17, 1990)

Terry B. Knutson, Complainant, vs. Southern California Gas Company, Defendant.	Case 90-12-060 (Filed December 17, 1990)

ORDER OF DISMISSAL

These five matters are dismissed for complainant's failure to comply with Rule 1 and Rule 63 of the Commission's Rules of Practice and Procedure.

A short history is in order.

The first four complaints all involve billing disputes with GTE California Inc. (GTEC) over telephone service. The complaint against Southern California Gas Company (SoCalGas) involves a billing dispute over gas service. The first complaint against GTEC was heard under our Expedited Complaint Procedure (ECP) on December 12, 1988. On March 3, 1989 the presiding administrative law judge (ALJ) issued a ruling requiring complainant to submit additional information regarding his complaint by way of an amended complaint, or suffer dismissal of his complaint. Complainant failed to comply with that ruling.

Complainant then filed another complaint against GTEC in July 1990 alleging further billing problems (Case (C.) 90-07-059). On August 29, 1990 the ALJ ruled that both C.88-10-003 and C.90-07-059 would be heard under the Commission's regular hearing procedure. On September 25, 1990 complainant again filed against GTEC alleging billing problems. On October 12 the three matters were set for hearing on December 14, 1990. On November 8, 1990 the

matters were taken off-calendar at complainant's request. Complainant then filed a fourth complaint against GTEC and a complaint against SoCalGas.

On January 9, 1991 the five matters were set for hearing to be held February 8, 1991; on January 24, again at complainant's request, the matters were taken off-calendar. In October 1991 the Commission staff requested complainant to choose a hearing date, confirmed by letter of November 5, 1991. Complainant answered on March 10, 1992 as follows:

"March 10, 1992
15627 Vintage St.
Granada Hills, California 91344

"California Public Utilities Commission
Duane Filer.

"Dear Mr. Filer,

"Please forgive the long wait for answering...on November 9 I was involved with a terrible accident. I broke two arms, crushed an elbow and severely injured a hip. I have been in a cast and disabled since that time. My cast was removed at Olive View Hospital Feb. 14, 1992 Friday...I am still unable to use my left arm. I was also hospitalized twice since the first of the year with kidney stones. When the accident happened I was recovering from a broken back and a sleeping disorder to my left side. It appears everytime I hear from the Public Utilities Commission...that a serious tragedy befalls me...last time I heard from you my attorney of 28 years passed away.

"I am sorry but I never got your telephonic message of Oct. 22, 1991...either my machine malfunctioned or you left the message on another machine. Be that as it may. Since the Public Utilities Commission is also the cause of some of my troubles...I will not allow an employee of them to hear my complaint. The Governor's Office or a member of the Board of Commissioners are the only acceptable hearers of fact...I have played the game your way too long without satisfactory results.

"We will hear only one problem at a time...
It will be video taped...
No third party testimony...
Fridays are unacceptable...
The hearing to be held in State Building
possibly Alan Robbin's Office
These are the rules...

"Please notify me of the upcoming date
available.

"I rest I am assured of your deep cooperation.

"T.B. Knutson /s/ T.B. Knutson

"Enclosed copy of your Nov. 5, 1991 letter."

Although we sympathize with complainant's health problems and can understand why these matters have not yet been heard, we cannot condone the tenor of his March 10 letter. There is no point to scheduling a hearing, having the defendants prepare, having the ALJ prepare, if the complainant refuses to go forward.

Rule 63 provides that "the presiding officer may set hearings and control the course thereof." We have assigned an ALJ to these complaints who is to control the course of the hearings. Rule 1 provides:

"Code of Ethics.

"Any person who signs a pleading or brief, enters an appearance at a hearing, or transacts business with the Commission, by such act represents that he is authorized to do so and agrees to comply with the laws of this State; to maintain the respect due to the Commission, members of the Commission and its Administrative Law Judges; and never to mislead the Commission or its staff by an artifice or false statement of fact or law."

Complainant's letter makes clear that complainant does not intend to comply with the laws of this State nor maintain "the respect due to the Commission, members of the Commission and its Administrative Law Judges." Under the circumstances it is best to

dismiss these complaints now rather than waste time setting them for hearing, preparing, and then having complainant refuse to proceed because we did not comply with his rules.

IT IS ORDERED that Case (C.) 88-10-003, C.90-07-059, C.90-09-057, C.90-12-059, and C.90-12-060 are dismissed.

This order is effective 30 days from today, provided that should complainant request rehearing of this decision within the time set by law and agree to abide by the rules of the Commission then this order will be set aside and hearing on the complaints may go forward.

Dated May 8, 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

NEAL J. SHULMAN, Executive Director