

ORIGINAL

Decision S2 08 076 AUG 18 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John-David Schonbrook, Ph.D. )  
 Ronald Schonbrook, 1/ )  
 )  
 Complainants, )  
 )  
 vs. )  
 )  
 SDG&E, )  
 )  
 Defendant. )

---

(ECP)  
Case 82-05-05  
(Filed May 13, 1982)

Walter S. Albright, for defendant.

ORDER OF DISMISSAL

The essence of the complaint, as near as can be determined, is the allegation that defendant San Diego Gas & Electric Company (SDG&E) threatened to discontinue electrical power to complainant unless he paid \$171 which SDG&E alleged was owed by complainant John Schonbrook for prior service. Complainant disputes owing any money to SDG&E but in order that SDG&E not terminate his electric service, he deposited the amount of \$171.71 with the Commission. Complainant seeks an order that he be reimbursed the \$171.71 on deposit with the Commission.

---

1/ Although named as a party complainant, there does not appear to be privity between Ronald Schonbrook and defendant. Ronald Schonbrook is the son of John-David Schonbrook. All references to complainant will refer only to John-David Schonbrook.

In its answer, defendant alleges that complainant received residential service at 3857 Oceanfront Walk under the alias "Lucianne Dupont" and received service at 3422 Oceanfront Walk under the aliases "Lucianne and John Dupont". Defendant further alleges that a commercial application was signed on July 16, 1981 by "John Schonbrook Dupont" doing business as "The Healing Center" at 963 Grand Avenue in San Diego. The answer also states that a commercial application was signed on December 4, 1981 by "John Schonbrook" doing business as "The Healing Center" at the same address as above and providing a home address at 1941 Tangier Court, San Diego. Defendant alleges that 1941 Tangier Court does not exist and that the above applications reveal that complainant has received commercial service under the alias "John Schonbrook Dupont" as well as residential service under the aliases "Lucianne Dupont" and "Lucianne and John Dupont". Defendant alleges the following affirmative defenses:

1. The complaint is defective in that it fails to meet the requirements of California Public Utilities (PU) Code Section 1702 and Rule 9 of the Commission's Rules of Practice and Procedure.
2. Defendant is required, under PU Code Section 532, to collect and recover from complainant the full legal rate as published in its applicable rate schedules.
3. The remedy requested by complainant is not supported by defendant's tariffs and would, in fact, work contrary to such tariffs in that it would grant a preferential reduction to complainant and allow complainant to be unjustly enriched by receiving utility service at reduced, nominal, or no cost, in violation of law.

4. The remedy of damages for harassment requested by complainant is not supported by the complaint nor is it supported by the law nor by SDG&E's tariffs.
5. The complaint is defective in that it fails to state facts sufficient to support any claim against SDG&E and the complaint is vague and ambiguous, alleging only broad and nonspecific claims. Defendant requests that the complaint therefore be dismissed and that complainant take nothing by this action.

Following notice, the matter was set for hearing on July 9, 1982 in San Diego, California, before Administrative Law Judge William A. Turkish. Defendant was present. Complainant failed to appear to present evidence at the hearing.

Findings of Fact

1. Proper notice of the date and time of the hearing was furnished to all parties.
2. Complainant failed to appear.

Conclusion of Law

Complainant failing to appear and good cause not being shown for such failure to appear, the Commission concludes that the matter should be dismissed.

IT IS ORDERED that:

1. The complaint of John-David Schonbrook and Ronald Schonbrook is dismissed.
2. The amount of \$171.71 on deposit with the Commission shall be disbursed to defendant San Diego Gas & Electric Company.

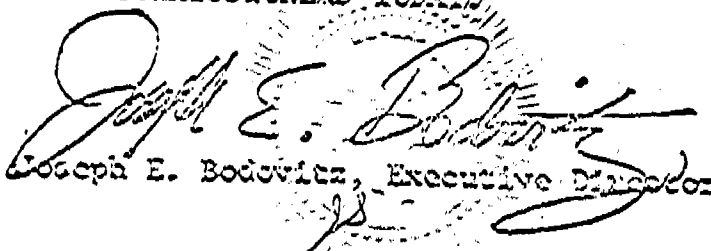
This order becomes effective 30 days from today.

Dated     AUG 18 1982    , at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
Commissioners

Commissioner Priscilla C. Grew,  
being necessarily absent, did  
not participate

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

  
Joseph E. Bodovitz, Executive Director