

Decision No. 86882

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT A. BURNS,
Complainant,

vs.

SAN DIEGO GAS & ELECTRIC
COMPANY,

Defendant.

Case No. 10120
(Filed September 22, 1976)

ORDER OF DISMISSAL

Complainant requests that Rule No. 6, Establishment and Re-establishment of Credit, of defendant's tariffs be revised to include the following as one of the ways in which the credit of an applicant for service will be deemed to be established:

"If applicant has been a customer of the utility or any other (such) utility in California in the last two years and during the last twelve consecutive months that service was provided has paid all bills for such service, without having been temporarily or permanently discontinued for non-payment thereof."

Complainant alleges that the foregoing provision is used by Pacific Gas and Electric Company (PG&E), that it is essential, and that its omission from defendant's rule is in violation of Public Utilities Code Section 451, which requires that "All rules made by a public utility affecting or pertaining to its charges or service to the public shall be just and reasonable." Defendant answered and moved to dismiss.

Contrary to complainant's contention, neither PG&E nor other major gas and/or electric utilities under our jurisdiction have such a provision in their rules for establishing credit. The pertinent provision in PG&E'S rule is similar to that in defendant's rule. The two similar provisions are compared below.

PG&E

"4. If applicant has been a customer of the Company for a similar type of service within the past two years and during the last twelve consecutive months of that prior service has had not more than two past due bills as defined in Rule No. 11-(A), provided that the periodic bill for such previous service was equal to at least 50% of that estimated for the new service, and, provided further, that the credit of applicant is unimpaired in the opinion of the Company;"

Defendant

"(4) If the applicant has previously been a customer of the utility and has paid all bills for electric service within the period as set forth in Rule 9(a) for a period of 12 consecutive months immediately prior to the date when the applicant for service previously ceased to take service from the utility, provided such service occurred within two years from date of the new application for service."

This complaint fails to allege sufficient facts to establish a cause of action. It is not sufficient for complainant to merely make a conclusory statement to the effect that his proffered revision to the credit rule is appropriate and that without it the rule is unjust and unreasonable. The complaint, accordingly, is legally insufficient and should be dismissed.

Therefore, IT IS ORDERED that this complaint is dismissed.
The effective date of this order shall be twenty days
after the date hereof.

Dated at San Francisco, California, this 25th
day of JANUARY, 1977.

Robert B. Berman
President

William J. Gussone

Vernon L. Johnson

Leonard Ross

Commissioners