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Decision No. 87160

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT A. BURNS,)
)
 Complainant,)
)
 vs.)
)
 SAN DIEGO GAS & ELECTRIC)
 COMPANY,)
)
 Defendant.)

Case No. 10180
(Filed September 22, 1976)

ORDER DENYING REHEARING OF
DECISION NO. 86882

On February 9, 1977, Robert A. Burns filed a petition for rehearing of Decision No. 86882. After reviewing each and every allegation the Commission is of the opinion that good cause for rehearing has not been shown to exist. However, modification of Decision No. 86882 is required to include reference to all relevant items contained in the formal file.

THEREFORE, it is ordered that:

1. Rehearing of Decision No. 86882 is hereby denied.
2. Paragraph 2 of page 2 of Decision No. 86882 is modified to read:

"This complaint fails to allege sufficient facts to establish a cause of action. It is not sufficient for complainant to merely make a conclusionary 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. Complainant's attempted amendment of the complaint to include reference to the credit rules of Pacific Telephone and Telegraph Company was not filed in accordance with the Commission's rules of Practice and procedure and therefore could not have been considered in this proceeding. Additionally, the attempted amendment was insufficient to cure the infirmity of the original complaint."

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 29th day
of MARCH, 1977.

Robert B. Bennett
President
William S. Brown Jr.
Vernon R. Sturgeon
Moss
Richard D. Howell
Commissioners