

ORIGINAL

Decision No. 87577 July 12, 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CHARLES E. LEGGETT and
VIVIAN LEGGETT,

Complainants,

vs.

SAN DIEGO GAS & ELECTRIC
COMPANY,

Defendant.

Case No. 10162
(Filed August 17, 1976)

Jeffrey Lee Guttero, Attorney at Law, for
San Diego Gas & Electric Company, defendant.

O P I N I O N

Charles E. Leggett and Vivian Leggett allege that they are residents of San Diego; that San Diego Gas & Electric Company has demanded payment of \$1,129.63 for accounts due and payable; that the obligations are in fact those of Title Insurance and Trust Company and not those of complainants; and that complainants have paid the sum of \$1,129.63 to the Public Utilities Commission under protest. Complainants request an order of the Commission determining the nonliability of complainants.

By its answer defendant admits that it has requested complainants' payment of \$1,129.63 for accounts due and payable, and alleges that it contacted counsel for Title Insurance and Trust Company and was advised that the title company has no obligation

for such accounts and that the amount due was charged pursuant to defendant's rules and tariffs as authorized by the Public Utilities Commission.

A public hearing was held before Administrative Law Judge Daly at San Diego on April 21, 1977, but complainants failed to appear and no appearance was made on their behalf. The matter was submitted upon receipt of Exhibits 1 through 23, which were introduced by defendant.

After consideration the Commission finds that:

1. Complainants enjoyed the benefit of utility service rendered by defendant at 9776 La Jolla Farms Road, La Jolla, California, between September 23, 1975 and November 17, 1975 through Accounts Nos. FB17-9465-4212-02 and FB9465-4213-02 resulting in the accrual of overdue utility bills in the amount of \$1,129.63.

2. The utility service rendered at 9776 La Jolla Farms Road, La Jolla, California, was put in the name of Lisa Wineberg by complainants in order to avoid the liability for payment of utility bills.

3. Defendant acted reasonably in shutting off utility service to complainants at 6455 La Jolla Boulevard, La Jolla, California, for the nonpayment of utility bills for service rendered them at 9776 La Jolla Farms Road, La Jolla, California, consistent with Rule 11(c) of the Tariff Rules, the applicable tariff.

The Commission concludes that complainants have the burden of proof. Their failure to appear and the evidence presented by defendant justify a decision in favor of defendant.

O R D E R

IT IS ORDERED that the Executive Director is directed to disburse to San Diego Gas & Electric Company the \$1,129.63 deposited with the Commission, and the relief requested by complainants is denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 12th day of JULY, 1977.

Robert Bateman
President
William S. Gorman
Vernon L. Sturgeon
Richard D. Howell

Commissioner CLAIRE T. DEDRICK did not participate in the disposition of this proceeding.

Commissioners