

AI

Decision No. 89583 OCT 31 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MICHAEL BATSON,
Complainant,

vs.

SAN DIEGO GAS AND ELECTRIC
COMPANY,

Defendant.

(ECP)
Case No. 10544
(Filed April 17, 1978)

ORDER OF DISMISSAL

This is a complaint alleging that defendant is unlawfully attempting to collect overdue electric bills from complainant, whereas the true debtor is complainant's former cotenant, who has vacated the premises. The amount in dispute is \$25.64 and is impounded by the Commission.

The tariff involved is Rule 3, Section B, Individual Liability for Joint Service, which provides as follows:

"In any case where two or more parties join in one application or contract for electric service, such parties shall be jointly and severally liable thereunder and only one bill shall be rendered for service for electric energy supplied in accordance therewith."

Complainant here did not join in the application or contract of his cotenant.

The complaint was originally set as an expedited procedure matter, but was not heard in accordance with Rule 13.2 for the reason that Administrative Law Judge Wright, to whom the matter was referred, believed that the issue should properly be resolved ex parte as it appeared that the complaint had merit.

Upon discussion with the Law Department of San Diego Gas & Electric Company, concurrence with the ALJ's view was secured, and defendant prepared and submitted a stipulation and request for dismissal, signed by the complainant and by the defendant, which provided that the collection activity complained of would be discontinued and that all funds impounded by the California Public Utilities Commission in this matter would be refunded to the complainant.

IT IS ORDERED that the complaint be dismissed as stipulated to in writing by the parties and that the sum of \$25.64 impounded by the Commission be returned to the complainant, together with any other funds impounded with respect to this matter.

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

Dated at San Francisco, California, this 31st day of OCTOBER, 1978.

Robert Batmancil
President

William Lyons

Veron L. Sturgeon

Clifford A. Howell

Clarence J. Sedwick
Commissioners