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Decision No. 91023 NOV 20 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

L. M. GUNSTON and L. GUNSTON,

Complainants,

v.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant.

Case No. 10742
(Filed May 3, 1979)

Malcolm H. Furbush, Attorney at Law, and John T. Crews, for Pacific Gas and Electric Company, defendant.

ORDER OF DISMISSAL

This is a complaint by L. M. Gunston and L. Gunston against Pacific Gas and Electric Company. The complaint was duly calendared for hearing on October 17, 1979, and notice thereof was served upon each party.

Defendant appeared at the hearing. The presiding Administrative Law Judge admitted in evidence a letter from complainant L. M. Gunston to the Commission dated October 11, 1979, postmarked October 16, 1979, and received on October 17, 1979 (the morning of the hearing). The letter stated that the complaint should be withdrawn or stayed pending the disposition of matters not within the ambit of the complaint. The Commission is of the opinion that no useful purpose would be served in continuing this matter.

The record indicates that the sum of $166.16 was received by the Commission as a disputed bill deposit in connection with the complaint. Defendant indicated that complainants had included in a recent payment duplicate funds covering that amount. In the circumstances the deposit should be returned to complainants.

Findings of Fact

1. Complainants have failed to establish that they are entitled to any relief herein.

2. The sum of $166.16 was received from complainants by the Commission as a disputed bill deposit in connection with this complaint.

3. Complainants recently made a payment to defendant which included funds which duplicate the disputed bill deposit.

Conclusions of Law

1. The complaint should be denied.

2. The disputed bill deposit of $166.16, which was received by the Commission, should be disbursed to complainants.

3. Since the ensuing order involves the return of a customer deposit it should be effective on the date of issuance.

IT IS ORDERED that:

1. Complainants are entitled to no relief in this proceeding and the complaint in Case No. 10742 is denied.

2. The sum of $166.16, which was received by the Commission as a disputed bill deposit, should be disbursed to complainants.

The effective date of this order is the date hereof.

Dated NOV 20 1979, at San Francisco, California.

John E. Bryson
President

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioners