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Decision No. 91379 MAR 4 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

W. Victor, Complainant, vs. Southern California Gas Company and its parent, Pacific Lighting Corporation, Defendant.	Case No. 10806 (Filed December 11, 1979)

ORDER OF DISMISSAL

Complainant alleges that "defendants have failed to explain computation of bills since complainant initially received service in July 1976 and have further failed to verify that bills were correct and that many, if not all, explanations failed to reconcile." Complainant further alleges that "defendants have cut off and reduced service which defendants admitted were not authorized but were unintentional." Complainant also alleges that "to date explanations have not been given as to how 'factors' and other billing computations are authorized or computed" nor have "credits for non-service periods been given." Complainant requests (1) an order that explanations understandable by the average college graduate of billing since July 1976 be presented to complainant; (2) verification of accuracy by the Public Utilities Commission be supplied; (3) credits be granted as appropriate; and (4) interest for the uncredited portion at the rate of 15½ percent be paid since date credit is due.

Defendant filed an answer wherein it requested that this complaint be dismissed in that the amount claimed in the complaint is less than $750 and thus is not properly before this Commission pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure. In the alternative, defendant alleges that the complaint is vague and unintelligible and fails to state a claim upon which relief can be granted. Defendant denies each and every material allegation insofar as any has been made in the complaint and affirmatively alleges that complainant has been charged only for gas consumed and that no "credit" to complainant is appropriate. Defendant requests that the complaint be dismissed.

On December 26, 1979 the Administrative Law Judge, to whom the case was assigned, communicated with complainant by letter in which was cited relevant portions of Section 1702 of the Public Utilities Code and Rule 9 of the Commission's Rules of Practice and Procedure. The letter went on to state that the complaint did not appear to comply with either the cited code section or rule. Complainant was informed that he was being allowed 12 days within which to file and serve an amended complaint in accordance with the provisions of Section 1702 and Rule 9, or else indicate any legal reason why the complaint should not be dismissed.

Complainant replied by letter on January 7, 1980 wherein he asked the Administrative Law Judge to disqualify himself for unspecific reasons other than to state that the judge knew him, and while the judge may or may not recall the acquaintance, he believed the judge would be inclined to act against complainant's interest. Complainant further requested additional time to obtain 25 signatures and add to his complaint with regard to the reasonableness of rates. As of February 4, 1980, no amended complaint was filed.

A complaint which does not allege a violation by a utility of a provision of law or order of the Commission will be dismissed. (Blincoe v Pacific Telephone and Telegraph Company (1963) 60 CPUC 432.)

Findings of Fact

1. The complaint filed herein fails to comply with Section 1702 of the Public Utilities Code or Rule 9 of the Commission's Rules of Practice and Procedure in that it does not set forth any act or thing done or omitted to be done in violation, or claimed to be in violation, of any provision of law or of any order or rule of the Commission.

2. The complaint filed herein is vague and unintelligible and fails to state a claim upon which relief can be granted.

The Commission concludes that the complaint should be dismissed.

IT IS ORDERED that Case No. 10806 is dismissed.

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

Dated MAR 4 1980, at San Francisco, California.

President

Commissioners