

ORIGINAL

Decision No. 92296 OCT 8 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM B. HANCOCK,)
 Complainant,)
 vs.)
 PACIFIC GAS AND ELECTRIC COMPANY,)
 a California corporation,)
 Defendant.)

Case No. 10838
(Filed April 4, 1980)

ORDER OF DISMISSAL

By complaint filed March 3, 1980, William B. Hancock (Hancock) makes various allegations regarding management practices of Pacific Gas and Electric Company (PG&E):

"I allege that management of Pacific Gas and Electric Company (hereinafter called PG&E) has been woefully inadequate in many areas of company operation to be described in succeeding paragraphs under subtitles."

The complaint goes on to allege inadequacies in the following respects:

1. Geothermal contract pricing provisions.
2. San Francisco steam system operations.
3. San Francisco gas department practices.
4. Misuse of company funds and equipment in the San Joaquin Division.
5. Affirmative action program.
6. Energy audit inadequacies.
7. Automotive Department practices.
8. Suggestion Committee and plan.
9. General Construction Department operations.
10. Credit Union practices.
11. Personnel Department practices.

12. Engineering and Design Drafting Department practices.
13. Management by objectives.
14. Nepotism.
15. Political Action Committee practices.
16. Procedures and Organization Department practices.

The requested relief contemplates specific Commission action directed to each of these matters.

On April 4, 1980, PG&E filed its answer and a motion to dismiss the complaint. PG&E states:

"Although the document filed by the Complainant in this proceeding is styled a 'Complaint,' it is by no means the sort of complaint contemplated by Section 1702 of the Public Utilities Code. It makes no allegation that any PG&E service rule or charge is unlawful or contrary to Commission regulation, and to the extent it implies that PG&E's rates are unreasonable, it fails to meet the procedural requirements of Section 1702. It is instead a diatribe by a discharged and clearly disaffected former employee who indicates that he is preparing a lawsuit against PG&E (Complaint, page 28)."

By separate filings dated April 10, 15, and May 5, 1980 Hancock responded to PG&E's answer and motion. The essence of the replies is to assert that Hancock's status as a former employee is irrelevant and to recite several more instances of alleged PG&E mismanagement.

After consideration of the contents of the pleadings, we have decided that the complaint should be dismissed. The matters contained therein are either more appropriately considered in regular proceedings or are outside the jurisdiction of this Commission.

Such matters as geothermal pricing, steam system operations, and affirmative action have been or will be addressed in recent or pending proceedings. With respect to other matters alleged that are subject to our jurisdiction, a general rate case is an appropriate forum to consider the alleged management deficiencies and the effect on ratepayers and shareholders. The complaint fails to allege with

specificity how the particular matters are reflected in rates and the resulting impact.

As to parts of the complaint, we are not inclined to assert jurisdiction so as to assume the responsibility for management of the company, as is apparently intended. A much more substantial prima facie showing is required before we could consider such matters as credit union practices or nepotism as suitable for investigation.

We do not by this disposition of complainant's claims intend to discourage critical evaluation of the operating practices and managerial decisions of PG&E or any other utility under our jurisdiction. We encourage complainant to participate and present his views in other proceedings before this Commission dealing more specifically with particular aspects of PG&E's operations or with the appropriate levels of PG&E's rates.

Findings of Fact

1. Relevant matters raised by the complaint may be more appropriately addressed in regular Commission proceedings.
2. The complaint fails to allege any connection between alleged management inadequacies and existing rates.

Conclusions of Law

1. Some of the matters raised by the complaint are outside the jurisdiction of the Commission.
2. The complaint fails to state a cause of action.

O R D E R

IT IS ORDERED that Case No. 10838 is dismissed.

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

Dated OCT 8 1980, at San Francisco, California.

John E. Bryan
President
Norman L. Sturgeon
Michael D. Hoyle
Samuel J. Feinberg
Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.