

APR 21 1981

ORIGINAL

Decision No. : 92931

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MICHAEL KARL ERICKSON and)
 JOHN and JANE DOES 1 through)
 59,)
)
 Complainants,)
)
 vs.)
)
 PACIFIC GAS & ELECTRIC COMPANY,)
 INC., a California corporation,)
)
 Defendant.)

Case No. 10930
(Filed December 3, 1980)

O P I N I O N

By complaint filed December 3, 1980, Michael Karl Erickson (Erickson) alleges that "unlawful and dangerous voltages" appeared and persisted on the Pacific Gas and Electric Company (PG&E) system in the Monte Rio and Guerneville areas for two years, beginning in December 1978. The complaint is ostensibly on behalf of Erickson and "John and Jane Does 1 thru 59," is signed by Erickson and 59 others, and asks this Commission to provide the following relief:

- "1. To refund to California consumers 10% of their electricity costs for the past three years or an amount in rate reductions of not less than \$900 million.
- "2. To order PG&E to roll back its voltages in all the areas it serves to a standard of 115 volts, maximum 120 volts.
- "3. Where it is documented that PG&E over-voltages have caused damage to consumer property the consumer shall be relieved from paying for electricity until an amount equal to the damage has been paid in reparations by PG&E.

- "4. To order PG&E to replace all faulty voltage regulators at once.
- "5. To order PUC random inspections and testing of utility voltages delivered to consumers each and every month.
- "6. Ten percent of PG&E's rates shall be used to fund consumer groups such as TURN, so that consumers may be adequately represented in Public Utilities Commission proceedings in California.
- "7. A review of PG&E's claimed nuclear energy needs in view of the wasted energy caused by the aforementioned over-voltages and a rollback of nuclear energy development until PG&E shows such development is in the public interest and that energy is not being wasted elsewhere and that gas and oil is being purchased from the least costly source.
- "8. A denial of all rate increases by PG&E until the above conditions have been satisfied.
- "9. To order PG&E to extend lifeline rates to users of well pumps in Sonoma County, following local hearings into that particular issue."

"Immediate" action is requested.

On January 29, 1981, PG&E filed its "Answer and Motion to Dismiss" the complaint. On February 5, 1981, Erickson sent a "Rebuttal to Motion to Dismiss" the complaint. On February 19, 1981, PG&E filed its "Reply Brief in Support of Motion to Dismiss." Erickson mailed a "Reply Brief in Opposition to Motion to Dismiss" on February 20, 1981.

PG&E's position is:

- "(1) By any standard of fairness or due process, the complaint fails to advise PG&E what it is asked to defend;
- "(2) To the extent PG&E can glean from the complaint the particular grievances complained of and the remedies being sought, these matters are either beyond the jurisdiction of the Commission or are more appropriately addressed in other proceedings."

Erickson responded with various factual allegations regarding PG&E practices and consequences, and concluded:

"...even though the filing may be irregular in form, it should not disqualify Plaintiffs from having their opportunity to air their grievances in a PUC sponsored public forum."

Thus, he urges that the matter go to public hearing.

We agree with PG&E that the complaint is deficient in several material respects and should be dismissed. The matters contained in it are either more productively addressed in some other proceeding, beyond the jurisdiction of this Commission, or insufficiently alleged.

We recognize the apparent good faith concern of the complainants that over-voltages have occurred and caused economic injury. However, as a general proposition voltage regulation is most appropriately considered in the context of a general rate case. Fortuitously, a PG&E general rate case is presently pending (Application No. 60153). In order to help complainants develop the record in this regard, we hereby direct PG&E to furnish a report and a witness in that proceeding addressing voltage levels in the Guerneville and Monte Rio areas since December 1978.

In its present form the complaint does not support a cause of action for reparation based on service deficiencies. Erickson's replies to PG&E's pleadings do contain factual assertions that if alleged in the complaint might be sufficient, and this dismissal is without prejudice to Erickson's (or any other party's) right to file such a complaint. However, we caution prospective complainants that this Commission's jurisdiction is limited to reparation related to diminished value of the electrical services, not damages as requested at paragraph 3 of the prayer.

Findings of Fact

1. Voltage regulation is a matter most reasonably addressed in a general rate case.

2. The rate relief requested is most reasonably examined in a general rate case.

3. The complaint alleges no connection between any party and any alleged injury.

Conclusions of Law

1. Relevant matters raised by the complaint may be more appropriately addressed in other pending proceedings.

2. The complaint fails to state a cause of action.

ORDER

IT IS ORDERED that:

1. Pacific Gas and Electric Company shall provide evidence in Application No. 60153 relating to voltage levels in the Guerneville and Rio Vista areas since December 1978.

2. Case No. 10930 is dismissed without prejudice.

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

Dated APR 21 1981, at San Francisco, California.

John S. Burton President
Richard W. ...
Leonard H. ...
Walter ...
Frederic C. ... Commissioners