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MAIL DATE
7/21/95

Decision 95-07-053

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ETHEL DOTSON,

Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant.

Case No. 94-09-008
(Filed September 7, 1994)

ORIGINAL

ORDER DENYING REHEARING OF DECISION 95-02-015

Ethel Dotson has filed an application for rehearing of Decision (D.) 95-02-015. Dotson had alleged in a complaint that her utility service was unlawfully terminated by Pacific Gas and Electric Company (PG&E) in violation of the Public Utility Regulatory Policies Act (PURPA; 16 USC 2625(g)) in that PG&E failed to consider her disabled status and had refused her offer to pay \$100 monthly installments.

In D.93533, 6 CPUC 2d 741 (1981) we established minimum standards and procedures for termination of gas and electric service in accordance with a requirement of PURPA that each state regulatory authority adopt or explain its failure to adopt such standards. In discussing the standards for exemption from termination of service for those customers dependent on utility service for medical reasons and unable to pay their utility bill, we specifically concluded that Congress did not intend that a customer be permanently excused from paying lawful tariff charges. We reasoned that free service to any customer discriminates against those customers who are able to pay for it. (D.93533, 6 CPUC 2d 741, 756.)

In her application for rehearing Dotson states:

"Complainant did not and does not contend that Congress intended that a customer be permanently excused from paying lawful tariff charges for utility service during a period when a customer's finances are unstable and termination was dangerous to the customer's health. Complainant does contend that PURPA specifically says that a customer's utility services were not to be interrupted when to do so would endanger a customer's health and the customer is unable to pay the full charge for the services or could only pay in installments." (Application for Rehearing, pp. 1-2.)

The problem with the argument here is that the installments Dotson offers to pay, at \$100 per month, will never completely amortize overdue utility payment balances which she owes, but will perpetuate arrearage thereof, so long as she continues her recorded consumption pattern.

The table on page 5 of our decision shows Dotson's gas and electricity bills for the period October 1993 to September 1994, to be well in excess of \$100 for the 5 months December 1993 (\$223), January 1994 (\$195.05), February 1994 (\$194.48), March 1994 (\$163.03) and April 1994 (\$127.45). In May 1994 the bill was \$100.69 and from \$72.63 to \$96.07 for 4 other months. Only in August - September of 1994 (\$49.91 - \$30.90) and October 1993 (\$72.63) would a payment of \$100 make a noticeable contribution to the the accumulation of overdue payments. In essence Dotson's offer would in fact result in an indefinite postponement or forgiveness of unpaid amounts.

The Commission has no basis for ordering PG&E to write off utility bills for energy delivered and consumed. This would require other ratepayers to make up those unpaid amounts in future rate payments. Dotson is responsible for her utility bills and cannot expect other ratepayers to be burdened with them.

In International Wholistic Health v. PT&T, D.84-03-114 (1984), we held:

"However, because of the history behind this complainant, we will deny this complaint with prejudice, and direct our Consumer Affairs Branch and our Docket Office not to receive subsequent complaints concerning disputed bills filed by Dotson, McClain, International Wholistic Health Institute, or Welfare Rights organization, (when acting as an alter ego for complainant, Dotson or McClain) unless complainant accompanies the formal or informal complaint with a deposit in the amount(s) of the disputed bills(s). (International Wholistic Health Institute v. Pacific Telephone Company, D.84-03-114, slip op., pp. 10-11.)

While we will not issue an order in this case as stern as that in International Wholistic, we take note that Dotson has a history of four prior complaint cases concerning PG&E utility bills.¹ We will require Dotson to follow the proposed payment plan in D.95-02-015 in an effort to solve this repetitive problem.

Dotson also argues that she never threatened to harm defendant's representative nor defendant's property. No such issues are before the Commission in this matter. In our Decision below we stated:

"Utility Right to Summon Police

Complainant admits that she blocked access to her meter to prevent termination. Under these circumstances, defendant was justified in summoning police help and protection for its field service representative." (D.95-02-015, slip op. p. 6.)

1. Dotson v. PG&E, D.83-06-086 (1983)
Dotson v. PG&E, D.89-01-046 (1989)
Dotson v. PG&E, D.90-07-039 (1990)
Dotson v. PG&E, D.92-05-068 (1992)

No finding or conclusion is made that Dotson threatened or did harm in any manner to anyone or anything. She admitted that she tried to prevent termination by blocking access to a meter and nothing more.

The Commission has reviewed each and every allegation of error and finds insufficient grounds for rehearing. Therefore, IT IS ORDERED that:

1. The Application for Rehearing of D.95-02-015 is denied.

This order is effective today.

Dated July 19, 1995 at San Francisco, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
Commissioners

I CERTIFY

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

Wesley Franklin
Acting Executive Director