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Decision 95-12-003 December 6, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

STEVEN A. COHAN,)
)
 Complainant,)
)
 vs.)
)
 SAN DIEGO GAS & ELECTRIC)
 COMPANY,)
)
 Defendant.)

Case 95-04-008
(Filed April 3, 1995)

ORIGINAL

Steven A. Cohan, complainant,
Vicki Thompson, Attorney at Law, for
San Diego Gas & Electric Company,
defendant.

O P I N I O N

Background

Complainant Steven A. Cohan accuses defendant San Diego Gas & Electric Company (SDG&E) of the following:

- intentional harassment with premature service interruptions;
- excessive or improper late charges, establishment charges, collection charges, and meter deposit;
- not posting payments on the account;
- making false accusations;
- interfering with a court summons;
- tampering with computer records;
- false police reports;
- not disclosing an employee's employment as per a court order; and

- possibly aiding an employee in committing a felony.

SDG&E responds that Cohan, in trying to resolve a domestic dispute, had created disturbances at SDG&E facilities to the extent that SDG&E has barred him from entering its property except for legitimate business purposes. SDG&E denies that any charges assessed to Cohan are improper. Rather, they are legitimate tariff charges that result from Cohan's continued failure to keep his account current. The charges were for field collection, termination and re-establishment of service. A meter deposit was also required because of Cohan's payment history.

At the hearing on June 29, 1995, Cohan testified on his own behalf. SDG&E presented the testimony of employees Dee Anna Ward and Margee Moore. Ward is a credit analyst, Moore a regulatory affairs project administrator.

The basis of the complaint is that Cohan objects to all charges that are additional to normal usage charges. He offers no evidence of tariff violations. He also alleges that a check for payment was thrown away by an SDG&E employee as it was never credited to his account. It apparently never cleared his checking account. Cohan also alleges that SDG&E illegally obtained a credit report on him through Equifax, a credit reporting entity.

Cohan attempted to have the Commission deal with many other issues that are beyond the Commission's jurisdiction. He was informed by the assigned administrative law judge that the only relevant issues for the Commission are whether SDG&E properly applied its tariffs, and whether it is guilty of any wrongdoing in handling his account. The other issues he raises relate to his ex-wife and custody of his daughter.

SDG&E presented evidence of Cohan's billing history, which demonstrates that his account has never been paid up currently in the past year. Payments when made were for only a portion of the amount due, and never in an amount corresponding to

the current charges. As a result, Cohan has always had a balance due, and this has resulted in the charges that he feels are improper.

The additional charges billed to Cohan are:

- \$9 charge for the field collector to go out to the residence, to collect, or to leave a notice if the person is not home;
- \$15 charge if the person has not responded to the above notice and service is disconnected;
- \$110 meter deposit based on twice the highest month's bill.

According to SDG&E, these charges are in accordance with its tariffs.

Regarding the credit report made by Equifax, Moore testified that in checking on this, she found no evidence of SDG&E ordering the credit check, and SDG&E had not been billed by Equifax. The code number used for billing on the credit report was not an SDG&E assigned number. Equifax confirmed that it had no record of such a request from SDG&E.

Discussion

At the hearing, Cohan made it clear that he was willing to pay for his usage but not the other charges due to delinquent amounts. He believes the other charges to be unreasonable and a disservice to customers. He offered no explanation of why his payments did not correspond to his billing, only that he refused to pay the additional charges.

SDG&E explained that the charges assessed are consistent with its tariffs, and reflect the additional costs involved in collecting from customers who do not pay their bills timely or do not keep their accounts current, and thereby cause additional collection costs.

This is confirmed by the tariffs. Rule 9.B.5 allows the \$9 and \$15 collection charges. Rule 7.A.2 allows that a meter

deposit of twice the highest monthly bill may be required of a customer whose service was disconnected for nonpayment of bills. Cohan's highest monthly bill was approximately \$55, thus the \$110 amount for the meter deposit. The purpose of these additional charges is to assess the additional costs to those customers who cause them, rather than burdening the other customers.

SDG&E denies knowledge of, and Cohan presented no evidence that the Equifax report was ordered by SDG&E.

We conclude that there is no basis to find for the complainant in this matter. The complaint is without merit and should be denied.

Findings of Fact

1. The charges assessed by SDG&E are proper based on approved tariffs.
2. There is no evidence of wrongdoing by SDG&E in handling Cohan's account.

Conclusion of Law

The complaint should be denied.

O R D E R

IT IS ORDERED that the complaint in Case 95-04-008 is denied.

This order becomes effective 30 days from today.

Dated December 6, 1995, at San Francisco, California.

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