

ALJ/BDP/gab

Mailed
JUN 6 1996

Decision 96-06-006 June 6, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joseph and Lyn Stadish,)
)
Complainants,)
)
vs.)
)
Southern California Gas Company,)
(U 904 G))
)
Defendant.)

Case 96-02-007
(Filed February 2, 1996)

ORIGINAL

ORDER OF DISMISSAL

Joseph Stadish and Lyn Stadish (complainants) seek damages for personal injuries suffered as a result of Southern California Gas Company's (SoCalGas) alleged failure to properly maintain and operate its Playa Del Rey gas storage facility.

SoCalGas, in its motion to dismiss the complaint, argues that the Commission does not entertain negligence actions at law. Further, even if the Commission entertained a negligence action, this Commission cannot award damages as a matter of law. (Vila v. Tahoe Southside Water Utility, 233 Cal. App. 2d 469, 43 Cal. Rptr. 654 (1965).) On these grounds, SoCalGas asks that the Commission dismiss the complaint.

We agree.

Finding of Fact

Complainants seek damages for personal injuries.

C.96-02-007 ALJ/BDP/gab

Conclusion of Law

The Commission lacks jurisdiction to award damages for personal injury claims.

ORDER

IT IS ORDERED that the complaint is dismissed for failure to allege facts upon which relief can be granted.

This order becomes effective 30 days from today.

Dated June 6, 1996, at San Francisco, California.

P. GREGORY CONLON
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER
Commissioners

Commissioner Daniel Wm. Fessler,
being necessarily absent, did not
participate.