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Decision 96-06-043 June 19, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

EDITH LITT,

Complainant,

vs.

SOUTHERN CALIFORNIA GAS COMPANY
(U 904 G),

Defendant.

ORIGINAL

(ECP)

Case 96-04-009

(Filed April 5, 1996)

Suzanne Marshall, for complainant.
Sid Newsom, for defendant.

O P I N I O N

Complainant seeks a refund of all or part of a main extension advance of \$1,142.70 contracted for in 1980 to establish gas service to her home. Defendant denies that a refund is due. A public hearing was held May 10, 1996.

Complainant's witness testified that it was not until 1995 that a neighbor of complainant installed gas service using the main extension paid for by complainant. Because no neighbor had obtained gas service prior to 1995, it was impossible for her to seek a refund within the required 10-year period. This, in complainant's opinion, is an extenuating circumstance beyond complainant's control which requires an exception to defendant's tariff.

Defendant's witness testified that its main extension rule (Tariff Rule No. 20) in effect in 1980 and unchanged and in effect today provides that "No payment will be made by the Company in excess of the amount advanced by the applicant or applicants nor after a period of ten years from the date the Company is first ready to render service from the extension, and any unrefunded

amount remaining at the end of the ten-year period will become the property of the Company." This rule was set forth in the main extension contract signed by complainant's husband.

Complainant's contract and defendant's tariff anticipated the situation where no other connections to the main might occur within 10 years and provided that the unrefunded amount would become the property of the utility. The facts presented by complainant fall squarely within the tariff and contract language. There are no extenuating circumstances.

ORDER

IT IS ORDERED that the relief requested in the complaint is denied.

This order is effective today.

Dated June 19, 1996, at San Francisco, California.

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