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Decision 96-07-040 July 17, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

George Wynns,

Complainant,

vs.

Pacific Gas and Electric  
Company,

Defendant.

**ORIGINAL**

(ECP)

Case 96-02-037

(Filed February 20, 1996)

George S. Wynns, for himself, complainant.  
Mary M. Camby, for Pacific Gas and Electric  
Company, defendant.

O P I N I O N

George S. Wynns (complainant) resides at 124 Brewster Street, San Francisco.

In 1989, complainant requested and received residential service from Pacific Gas and Electric Company (PG&E) for a three-unit rental property at 1921 - 84th Avenue in Oakland. The account number for that service was VJL 2429104.

This account was closed in September 1994. The outstanding balance due on that account at the time of termination was approximately \$1,400.

PG&E transferred this balance due amount to the account under which complainant was receiving service for his personal residence at 124 Brewster Street, San Francisco. The account number for complainant's San Francisco residence is JRG 0538901.

In February 1995, PG&E learned that complainant filed for Chapter 7 protection with regard to his rental property in Oakland. The bankruptcy court discharged complainant's debt. Of the approximately \$1,400 transferred to complainant's San Francisco account, the court discharged \$630.57. The remaining amount was not covered by the discharge and is still shown on PG&E's record as an outstanding balance due for the Brewster Street account.

According to PG&E, \$719.82 of current unpaid balance for service provided at the rental property in Oakland is included in complainant's account for service being provided at his residence on Brewster Street.

Complainant has paid his bills for energy use at his residence in San Francisco on a regular basis.

PG&E contends that its tariff rules allow it to transfer balances from one residential account to another residential account under the same name. According to PG&E, complainant should be required to pay the balance transferred from his rental property account in Oakland to his residential property in San Francisco.

Complainant contends that tariff provisions cited by PG&E apply primarily to individuals who move from one location in PG&E's service territory to another location in PG&E's service territory. Complainant states that the service received by him in Oakland was for a commercial venture. According to complainant, even if the service received by him in Oakland was under a residential account, PG&E should not be allowed to transfer balance due amount from a commercial venture to his residential account.

We believe that even though a strict and narrow interpretation of PG&E's tariff does allow PG&E to transfer the unpaid balance from the Oakland account to San Francisco account, an exception could be made in this case because the service received by complainant in Oakland was for a commercial venture. We will grant the relief sought by complainant.

O R D E R

IT IS ORDERED that the relief requested by George Wynns (complainant) is granted. Pacific Gas and Electric Company shall remove the balance of unpaid bills for service provided at complainant's rental property in Oakland from energy bills for service provided at complainant's residence in San Francisco.

The proceeding in Case 96-02-037 is closed.

This order is effective today.

Dated July 17, 1996, at Sacramento, California.

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