

SEP 20 1996

Decision 96-09-066 September 20, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

George W. Briggs,)
Complainant,)
vs.)
Pacific Gas & Electric Company,)
Defendant.)

ORIGINAL

Case 96-01-007
(Filed January 4, 1996)

George W. Briggs, for himself, complainant.
Terrie L. Robinson, for Pacific Gas and
Electric Company, defendant.

O P I N I O N

Complainant, George W. Briggs, alleges that defendant, Pacific Gas and Electric Company (PG&E), transferred his payment for his existing account to a new account without his permission. Complainant contends that this action violated defendant's agreement with the Commission Consumer Affairs Branch and caused his service to be terminated. Briggs also alleges PG&E refused to provide copies of his billing records. He requests that PG&E be ordered to provide 20-day advance certified notice of any action on his account in the future.

Briggs requests that PG&E be fined \$100,000 for unlawful termination and \$100,000 for its inadequate investigation of his complaint.

PG&E denies any wrongdoing. PG&E alleges Briggs filed a petition for bankruptcy under Chapter 7 of the Bankruptcy Act on January 27, 1995. PG&E received notice of the petition on July 3, 1995. In July 1995, after receiving notice of the petition, PG&E retroactively closed complainant's existing account and opened a

new account. PG&E contends that Section 366 of the Bankruptcy Act requires petitioner to post security for a new account after a petition in bankruptcy is filed. PG&E alleges it requested a deposit for the new account. Receiving none, on July 21, PG&E closed the pre-petition account and applied all payments after the bankruptcy (\$256.57) toward the \$200 deposit and the charges in the new account. PG&E contends it sent Briggs a complete accounting of all monies in the two accounts during the informal Commission complaint on November 3, 1995.

Prior to the hearing, PG&E filed a Motion To Dismiss requesting that the hearing be cancelled and the complaint dismissed with prejudice. PG&E reiterated the arguments in its answer as a basis for the dismissal. Since the motion was filed three days prior to the hearing and the time for complainant to respond to the motion had not run, the hearing was not cancelled. However, on June 17, 1996, the time for the hearing, complainant did not appear and has not contacted the Commission to reschedule the hearing. Therefore, we dismiss this complaint for lack of prosecution by the complainant.

Findings of Fact

1. At the time scheduled for hearing in this matter, complainant failed to appear. Complainant has not requested rescheduling of the hearing.

2. Defendant appeared at the hearing on June 17, 1996 prepared to proceed with its case.

Conclusion of Law

This complaint should be dismissed for lack of prosecution by the complainant.

O R D E R

IT IS ORDERED that Case 96-01-007 is dismissed for lack of prosecution by the complainant and this proceeding is closed.

This order is effective today.

Dated September 20, 1996, at San Francisco, California.

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