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ALJ/BDP/wav

Decision 97-01-031 January 23, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Architectural Specified Coatings Corporation,

Complainant,

vs.

Southern California Gas Company,

Defendant.

ORIGINAL

Case 92-11-053
(Filed November 18, 1992)

Tanya Desmari, for Architectural Specified Coatings Corporation, complainant.
David J. Gilmore and George G. Hannah, for Southern California Gas Company, defendant.

Summary

Architectural Specified Coatings Corporation (complainant) alleges that Southern California Gas Company (SoCalGas) failed to credit certain checks to complainant's account. The complaint is dismissed for failure to meet the burden of proof.

Discussion

Evidentiary hearing was held on January 25, 1993. Since complainant failed to conclusively show which checks had not been credited to its account, the Administrative Law Judge (ALJ), in a ruling dated February 2, 1993, directed complainant to provide copies of checks that had not been credited to the account.

Complainant provided a group of checks covering the period December 27, 1984, through July 16, 1985. Complainant's statement accompanying the group listed seven payments, but noted that three of the payments were missing from SoCalGas' accounting.

SoCalGas states that it did not provide for these seven checks on its statement of account because the checks were for the complainant's previous account. That account was for service at 2400 East Imperial Highway and is not the account disputed in this complaint.

SoCalGas points out that the complaint concerns service at 1227 East 58th Place which was activated on August 28, 1985. According to SoCalGas, it did not

transfer any bills or payments from the customer's previous accounts to the account in dispute.

Regarding the 58th Place account, complainant pointed out that a check dated January 16, 1987, for $6,000 was not credited to that account. SoCalGas has shown that the $6,000 payment was credited to complainant's account on December 1, 1988. When this payment was originally made, SoCalGas' local office inadvertently mishandled the payment; however, the payment was finally credited to the account.

In a letter to the ALJ dated October 15, 1993, complainant enclosed copies of two checks dated December 20, 1984, and February 4, 1985, respectively. Both checks were for the same amount of $1,634.49. Since service for the account in dispute was not established until August 28, 1995, these two checks could not have been credited to the account in dispute.

We conclude that complainant has failed to show that there are checks which have not been credited to the 58th Place account. Accordingly, the complaint should be dismissed.

Findings of Fact

1. Complainant contends that SoCalGas has failed to credit certain checks to the account for 58th Place.

2. Complainant has failed to provide evidence of checks that have not been credited to that account.

Conclusion of Law

The complaint should be dismissed for failure to meet the burden of proof.

ORDER

IT IS ORDERED that the complaint of Architectural Specified Coatings Corporation is dismissed.

This order is effective today.

Dated January 23, 1997, at San Francisco, California.

P. GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners