

Mailed

MAR 19 1997

ALJ/RAB/jft

Decision 97-03-030 March 18, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Thomas W. Peckham,)
)
 Complainant,)
)
 vs.)
)
 San Diego Gas & Electric Company,)
)
 Defendant.)

(ECP)
 Case 96-07-047
 (Filed July 8, 1996)

ORIGINAL

Thomas W. Peckham, for himself, complainant.
Margee Moore, for San Diego Gas & Electric
 Company, defendant.

O P I N I O N

Complainant alleges that he has 25 electric submeters on his trailer park property, but defendant gives him credit for only 14 submeters. He seeks \$2,692 in reparations for 11 submeters from July 1993. Defendant claims that complainant's trailer park is on U.S. Forest Service land and his permit to occupy only provides for 14 submeters. Public hearing was held January 9, 1997.

Complainant established service with San Diego Gas & Electric Company (SDG&E) on January 6, 1988. He operates a travel trailer park (called Boulder Oaks Campground) which is located on Cleveland National Forest land. He had a term special use permit to operate a store and transient trailer park (13 transient trailer sites and 1 permanent residential trailer site). The permit for the 14 sites was terminated by the Forest Service in April 1994. Complainant remained on the land and continues to operate, to this day, his trailer park. He has 25 submeters on this property, and has had them for the past three years.

From 1993 to the present, complainant has requested SDG&E to increase the number of submeter sites to above the 14 spaces which is currently authorized by his special use permit.

In a December 19, 1995 letter, the U.S. Forest Service informed SDG&E that the additional facilities at Boulder Oaks Campground are not authorized under the owner's permit. The Forest Service has requested that all improvements be removed from the site.

SDG&E's facilities to serve complainant are constructed on Forest Service land under a special use permit issued March 16, 1987.

In part, this permit states:

- "11. The permittee (SDG&E), in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit."
- "19. This permit may be terminated upon breach of any of the conditions herein by the issuing officer or at the discretion of the Regional Forester or the Chief, Forest Service..."
- "24. Unless sooner terminated or revoked by the Regional Forester in accordance with the provisions hereof, this permit shall expire immediately at such time as electrical service is extended to any non-Federal customer through the transmission line authorized hereby..."

SDG&E's review of the facts in this matter lead it to conclude that any changes to the meter allowances provide the Forest Service with grounds to revoke the permit and could place SDG&E in the position of being unable to provide any service to the campground. Pending resolution of the dispute between the owners and the Forest Service, SDG&E believes it should maintain service

to Boulder Oaks Campground exactly as it exists today, both in terms of facilities and billing.

We are not here to resolve a dispute between complainant and the U.S. Forest Service. Our limited concern is the proper applicability of defendant's tariffs. Defendant is supplying electric service to 25 submeters in complainant's trailer park, and has done so for at least the three years prior to filing this complaint. Complainant has always paid defendant's bills, but defendant has only credited complainant with the master meter discount (Schedule DT, SDG&E tariff sheet 8989E) for 14 submeters, rather than 25 submeters. As SDG&E is receiving income from 25 submeters, it is required by tariff to credit complainant with the submeter discount for 25 submeters. Complainant is entitled to reparations of \$2,692.

ORDER

IT IS ORDERED that San Diego Gas & Electric Company shall pay complainant Thomas W. Peckham \$2,692 as reparations.

This order is effective today.

Dated March 18, 1997, at San Francisco, California.

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