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Decision 97-05-030 May 6, 1997

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

David Smith,)
)
 Complainant,)
)
 vs.)
)
 Pacific Gas and Electric Company,)
)
 Defendant.)

(ECP)
 Case 96-08-047
 (Filed August 20, 1996)

David Smith, for himself, complainant.
Mary M. Camby, for Pacific Gas and
 Electric Company, defendant.

O P I N I O N

David Smith (complainant) complains that Pacific Gas and Electric Company (defendant) will not provide utility service at his property in Bakersfield unless he pays outstanding charges of \$1,450.71 owed by the former occupant of the premises. Defendant answered that complainant is jointly liable under its tariffs for the unpaid bill and that it must be paid in full prior to restoration of service.

A public hearing was held in Bakersfield on September 24, 1996 attended by complainant and defendant. Defendant at that time produced evidence which, if uncontradicted, showed that complainant was jointly liable for the delinquent account at issue.

The Administrative Law Judge (ALJ) granted complainant's request that he be given time to prepare evidence refuting defendant's showing on condition that the amount in dispute be deposited with the Commission pending outcome of this proceeding.

Complainant deposited the required \$1,450.71 with the Commission on September 27, 1996, and service was connected in complainant's name that day.

No further word from complainant was received by defendant or by the ALJ. On December 4, 1996, the ALJ wrote a letter to complainant asking when he would be prepared to submit written and oral evidence in opposition to that given by defendant at the hearing. No response has been received.

The complaint should be dismissed for failure to prosecute with reasonable diligence.

O R D E R

IT IS ORDERED that:

1. The complaint is dismissed and the case is closed.
2. Complainant's deposit of \$1,450.71 shall be disbursed to Pacific Gas and Electric Company on the effective date of this order.

This order becomes effective 30 days from today.

Dated May 6, 1997, at San Francisco, California.

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