

Decision 97-05-069 May 21, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ALFRED PIERRO,

Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant.

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ORIGINAL

Case 93-12-044
(Filed December 27, 1993)

O P I N I O N

On December 13, 1994, complainant Alfred Pierro filed this Petition for Modification of Decision (D.) 94-11-051. D.94-11-051 denied the Petition for Modification of D.94-07-019 filed by Pierro on September 23, 1994, finding that it did not offer new or changed circumstances to justify any of the modifications requested.

This Petition for Modification again seeks the same changes that were denied in D.94-11-051. The issue of consequential damages is again raised, as is the issue of the \$10 collection fee. Likewise, the \$0.12 per kilowatt-hour electricity rate is again asserted to be ten-fold of the amount necessary to maintain Pacific Gas and Electric Company's viability, which in complainant's view evidences abuse of discretion, and exposure to impropriety in ratemaking and dispute resolution. Complainant offers no other bases to justify modification of the decision.

Complainant's evidence has been analyzed and found insufficient to support his allegations, both in the original complaint, and in the earlier Petition for Modification.

We conclude that Pierro has not justified any of the modifications he requests and will deny the Petition for Modification of D.94-11-051.

Complainant has repeatedly raised the same issues in this case. Pierro should understand that once a complaint has been heard and decided by the Commission, whether or not he agrees with the decision, raising the same issues again and again through petitions for modification will not change the result.

The Commission will not accept any further Petition for Modification in Case 93-12-044 unless it contains a sworn statement by complainant under penalty of perjury that it raises new issues. Rule 1, Code of Ethics, of the Commission's Rules of Practice and Procedure states, "Any person who signs a pleading...agrees to...never mislead the Commission or its staff by an artifice or false statement of fact or law."

Finding of Fact

Pierro seeks modification of D.94-11-051 based on the same issues that were raised in the Petition for Modification of D.94-07-019, and denied in D.94-11-051.

Conclusion of Law

The Petition for Modification should be denied.

O R D E R

IT IS ORDERED that:

1. The Petition for Modification of Decision 94-11-051 filed by Alfred Pierro on December 13, 1994 is denied.

2. No future Petition for Modification in Case 93-12-044 will be accepted from Alfred Pierro unless it contains a sworn statement by him under penalty of perjury that it raises new issues.

This order is effective today.

Dated May 21, 1997, at Sacramento, California.

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