

JUN 11 1997

ORIGINAL

Decision 97-06-050 June 11, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

George W. Gillemot,)
)
 Complainant,)
)
 vs.)
)
 Borrego Springs Water Company,)
)
 Defendant.)

Case 96-08-019
(Filed August 8, 1996)

No appearance for complainant.
Diane Powers, for Borrego Springs
Water Company, defendant.

O P I N I O N

Complainant George W. Gillemot filed this complaint on August 8, 1996, alleging that defendant Borrego Springs Water Company billed excessive charges for water at complainant's residence in Borrego Springs. Complainant believes that excess charges are related to water meter changes, and has deposited two amounts with the Commission, \$81.64 and \$77.85, for bills in dispute.

A duly noticed hearing was held in Escondido before an Administrative Law Judge on March 25, 1997. The hearing was convened at 10 a.m., as indicated in the hearing notice. The hearing was set with complainant's concurrence regarding hearing time and location.

Defendant appeared; complainant neither appeared nor contacted the Escondido City Hall or the Commission to explain his absence. After waiting one hour for complainant to appear, the hearing was adjourned.

Therefore, good cause exists for dismissal of this complaint for lack of prosecution by complainant. The dismissal should be with prejudice.

Findings of Fact

1. A duly noticed hearing was held.
2. Complainant failed to appear at the hearing to prosecute his complaint.
3. Complainant has deposited \$159.49 with the Commission.

Conclusions of Law

1. The complaint should be dismissed for lack of prosecution.
2. The amount on deposit at the Commission should be disbursed to the defendant.
3. This order should be effective on the date signed.

O R D E R

IT IS ORDERED that:

1. Case 96-08-019 is dismissed for lack of prosecution.
2. The dismissal is with prejudice against George W. Gillemot filing another complaint against Borrego Springs Water Company dealing with the same issues and time period.
3. The Fiscal Office shall disburse the amount of \$159.49 deposited by complainant to the Borrego Springs Water Company.

4. This proceeding is closed.
This order is effective today.
Dated June 11, 1997, at San Francisco, California.

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