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MAIL DATE
6/16/97

Decision 97-06-070 June 11, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Adrienne Miller,

Complainant,

vs.

Pacific Gas and Electric Company

Defendant

Case 96-10-007
(Filed October 3, 1996)

ORIGINAL

DECISION DENYING REHEARING OF DECISION 97-02-030

Adrienne Miller (also, "the applicant") filed an application for rehearing of our Decision (D.) 97-02-030 in which we denied her complaint against Pacific Gas and Electric Company (PG&E) alleging erroneous gas and electric service charges of \$1,849.18. In her application, Ms. Miller claims that our decision denying the complaint includes factual errors and that we gave inadequate weight to the evidence she presented to support her contention that PG&E's billing was a matter of mistaken identity. Upon review of the application and each matter presented therein, we find that our decision rested on sufficient evidence to reasonably conclude that Mr. Miller's complaint should be denied. We therefore decide that no grounds have been established to rehear the matter.

I. FACTUAL BACKGROUND

This case was heard pursuant to the Commission's expedited complaint procedures on November 6, 1996 in San Francisco. Ms. Miller claimed that she did not reside at the Betty Avenue address in Pinole where the gas and electric charges billed by PG&E were incurred. The period in question is from August 1992 to November 1994,

though the total bill includes a carryover charge from December 1986. (Exhibit A of PG&E's Answer to Complaint contains a Statement of Account.) Ms. Miller also claimed DeAnn Thomas was a tenant at the Betty Avenue property during that time, that it was Ms. Thomas who opened the PG&E account using Ms. Miller's social security number, and therefore it is Ms. Thomas who is responsible for the gas and electric service charges.

In answering the complaint, PG&E admitted that someone giving the name of a DeAnn Thomas requested service, but that the social security number, home telephone number and employer name provided with the request correspond to Adrienne Miller, not DeAnn Thomas. PG&E's information was obtained through credit reports and employer verifications.

PG&E also investigated Ms. Miller's claim that she had been residing in her sister's apartment in El Sobrante during the time in question. PG&E obtained a statement from the owner of the apartment stating that they did not recall and had no record of Ms. Miller being a tenant there. Ms. Miller did not provide any documentation to establish her residency in this other apartment.

PG&E also stated in its defense that Ms. Miller informed them that she was the owner of the property where the service was billed. PG&E further stated that credit agency reports and property reports show Ms. Miller owns this property in joint tenancy with Ina and Leroy Thomas.

On August 21, 1995, Ms. Miller filed an informal complaint with the Consumer Affairs Division (CAB) of the Commission. CAB closed the complaint on October 4, 1995. On October 3, 1996, Ms. Miller requested an expedited complaint procedure to hear her case.

II. DISCUSSION

In D.97-02-030, we denied Ms. Miller's complaint after permitting her an extension of time in which to produce documentation to prove her case. We noted in our decision that Ms. Miller was able to obtain a document issued on or about March 1, 1995 by the Contra Costa County Welfare Office concerning a matter involving a DeAnn Thomas. While this document suggests the existence of Ms. Thomas, the date of the document and the address indicated in Richmond, California are not probative of Ms.

Miller's claim that this DeAnn Thomas lived at the Betty Avenue property in Pinole from 1989 to November 1994, the billing period in question.

We also stated in our decision that Ms. Miller was not able to produce any evidence, such as a rental agreement, to demonstrate DeAnn Thomas was a tenant at the Betty Avenue property. We further stated that while someone could fraudulently use Ms. Miller's social security number, as Ms. Miller claimed, there was no corroborative evidence to demonstrate such fraud.

On the other hand, the evidence obtained by PG&E from credit reports and information regarding Ms. Miller's employment link Ms. Miller to the social security number and telephone number of the Betty Avenue account. This evidence was not refuted by Ms. Miller.

Ms. Miller is correct, however, with respect to one piece of evidence, her U.S. Income Tax Return for the year 1992, attached as Exhibit D to PG&E's Answer to the Complaint. This 1992 tax return shows a typed address for Adrienne Y. Miller as 4827 Appian Way in El Sobrante, California, the apartment Ms. Miller claims she lived in with her sister. In addition, a Schedule E (Supplemental Income and Loss) form for Ms. Miller's 1993 tax return lists a rental property at the Betty Avenue address and an indication that neither Ms. Miller nor her family used it for more than 14 days or 10% of the total days the property was rented. This 1993 Schedule E form, however, was not accompanied by the tax form showing the taxpayers' address. While these documents provide some circumstantial evidence of Ms. Miller using an address in El Sobrante in 1992 and leasing the Betty Avenue property in 1993, they do not establish the billing liability of a DeAnn Thomas. We also noted in D.97-02-030 that the landlord at the El Sobrante address could not verify that Ms. Miller was a tenant there in 1992 or 1993. See Exhibit C of PG&E's answer to the complaint.

Ms. Miller's claims are, moreover, not supported by other documents attached to her application for rehearing. These documents, a PG&E bill, two TRW credit reports, and a cable bill, are dated in 1990, not the period in question, and are addressed to an Adrienne Thomas at an address in San Pablo, California. If these documents do anything,

they create further doubt and confusion about a DeAnn Thomas being liable for the utility charges at the Betty Avenue property in Pinole.

In sum, the basic facts are that Ms. Miller has not denied ownership of the Betty Avenue property to which gas and electric service was provided by PG&E during the period in question, and has not denied that the PG&E account is identified by her social security number. In addition, Ms. Miller has not demonstrated that she had a rental agreement with a tenant, any tenant, which included the tenant's liability for the payment of the gas and electric bills for the Betty Avenue property. Further, Ms. Miller has not been able to establish that a tenant fraudulently used her social security number to open the service account with PG&E.

As a result, even if we believe Ms. Miller has pursued her complaint in good faith, the Commission did not and does not have an evidentiary record before it that can support our ordering PG&E to desist from demanding the unpaid charges from Ms. Miller. We therefore affirm our prior order, and conclude that there are no material factual errors in D.97-02-030 that would constitute a legal error requiring a rehearing of the case.

THEREFORE, IT IS ORDERED that rehearing of D.97-02-030 be denied, and that this decision is effective today.

Dated June 11, 1997 at San Francisco, California.

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