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Decision 97-06-080 June 25, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

All Utilities Auditing Company and Sea-Land
Service, Inc.,

Complainants,

vs.

Southern California Edison Company,

Defendant.

ORIGINAL

Case 96-12-036
(Filed December 18, 1996)

All Utilities Auditing Company and Mitsubishi
Electronics America,

Complainants,

vs.

Southern California Edison Company,

Defendant.

Case 96-12-032
(Filed December 18, 1996)

All Utilities Auditing Company and Certified Grocers
of California,

Complainants,

vs.

Southern California Edison Company,

Defendant.

Case 96-12-033
(Filed December 18, 1996)

ORDER OF DISMISSAL

Summary

Complaints dismissed and Complainant admonished to be certain of its authority to represent other entities before this Commission.

Discussion

All Utilities Auditing Co. (All Utilities) filed three separate verified complaints with this Commission on behalf of its clients. In each complaint it stated:

"All Utilities Auditing Co. is working for [client's name] in a fiduciary capacity in lodging this complaint."

Each complaint was filed indicating that the Complainant was All Utilities, and the complaints were entered into the Commission docket showing All Utilities as the named complainant. The complaints were served on defendant Southern California Edison Company by the Commission (Public Utilities (PU) Code § 1704) and an answer was received from Defendant in each proceeding. On March 6, 1997 ALJ Rosenthal directed a letter to All Utilities and defendant suggesting that a combined prehearing conference might be useful and asking for comments. In response, All Utilities directed a letter to the ALJ in each proceeding requesting the complaint be withdrawn.

The above chronology is not untypical of events that occur in other proceedings. What is unusual is a letter that was received from Mr. Robert M. Ling, Vice President and General Counsel of Certified Grocers of California, the real party in interest in Case (C.) 96-12-033 filed by All Utilities. That letter states:

"We have received a copy of the above referenced complaint, Southern California Edison Company's Answer, and your letter dated March 6, 1997 regarding same. Please be advised that Certified Grocers of California did not authorize the filing of the subject complaint on our behalf, Certified Grocers was apparently named as a party without our consent.

"Accordingly, Certified Grocers will not participate in this matter and requests that it be dismissed from these proceedings."

We have no basis to determine whether there was some misinterpretation or miscommunication between All Utilities and Certified Grocers. We do know that valuable Commission resources were spent in processing this complaint. Similarly, expense was incurred by defendant in responding to the complaint. Attempts to find out if there were similar problems with the real parties in interest in the other proceedings have indicated some ambivalence.

We take this opportunity to alert All Utilities to the Code of Ethics contained in Rule 1 of the Commission's Rules of Practice and Procedure:

"Any person who signs a pleading or brief, enters an appearance at a hearing, or transacts business with the Commission, by such act represents that he is authorized to do so and agrees to comply with the laws of this State; to maintain the respect due to the commission, members of the Commission and its Administrative Law Judges; and never to mislead the Commission or its staff by any artifice or false statement of fact."

We shall expect All Utilities to adhere to this code of conduct at all times. We further caution All Utilities that certification under penalty of perjury and willfully stating as true material known to be false is a misdemeanor punishable by fine and/or imprisonment (PU Code § 2112) and a civil penalty up to \$20,000 (PU Code § 211).

Findings of Fact

1. Complaints were filed in these dockets by All Utilities on behalf of real parties in interest named in the complaints.
2. All Utilities has submitted letters in each docket withdrawing each complaint.

Conclusions of Law

1. The complaints in the above dockets should be dismissed with prejudice.
2. All Utilities should be cautioned concerning the Commission's Code of Ethics and the penalties involved in willfully verifying documents known to be false.

IT IS ORDERED that the complaints herein are dismissed with prejudice.

This order is effective today.

Dated June 25, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners