

JUN 25 1997

Decision 97-06-089 June 25, 1997

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Robert E. and Patricia J. Lee,

Complainants,

vs.

Pacific Gas and Electric Company (U39E),

Defendant.

**ORIGINAL**

Case 97-01-014  
(Filed January 14, 1997)

**O P I N I O N**

**Summary**

This decision denies the complaint of Robert E. Lee and Patricia J. Lee (Complainants) against Pacific Gas and Electric Company (PG&E). PG&E did not, as Complainants allege, fail to plan responsibly in Complainants' neighborhood when it installed the transformer serving Complainants' residence.

**The Complaint**

Robert E. Lee and Patricia J. Lee filed this complaint against PG&E on January 14, 1997 alleging that PG&E had failed to conduct proper planning when PG&E installed the electric transformer in Complainants' neighborhood. Specifically, Complainants argue that PG&E should have anticipated that electric service would eventually be required at Complainants' lot and that its failure to plan for such a circumstance was a breach of its responsibility. Complainants seek reimbursement of \$2950 from PG&E for Complainants' cost of trenching and conduit which would not have been required if PG&E had installed the transformer closer to Complainant's lot.

PG&E filed a timely response to the complaint denying that it was responsible for installing an electric transformer closer to Complainants' lot or that it should have

been able to anticipate that power would be required at Complainants' lot at the time the transformer was installed.

The Commission held one day of hearing on March 21, 1997 during which the parties informally discussed the issues raised in the complaint and agreed that they did not dispute any material facts. Following the informal hearing, the parties and the administrative law judge moved to the site which is the subject of the complaint to observe the circumstances there. The parties filed briefs on May 5, 1997.

#### **Factual Background**

Complainants own a lot at 1950 Old Oak Drive in Walnut Creek. The lot was previously the location of unlighted tennis courts which were constructed by a developer in 1977. The tennis courts were constructed at about the time a number of other residences in the neighborhood were constructed. At the time, the developer requested service from PG&E for the development but did not seek electrical service to the tennis courts, consistent with the permit issued by the City of Walnut Creek. Responding to the developer's request for electric service, PG&E installed a transformer on Old Oak Court and not in the utility easement used by other utilities on Woodpecker Court, closer to Complainants' lot.

Subsequently in 1996, Complainants constructed a residence on the lot upon which the tennis courts had been previously located. In order to receive electric service to the new residence, Complainants had to run wire from PG&E's transformer to the splice box near Woodpecker Court, closer to Complainants lot. Complainants paid for trenching costs in the amount of \$5900.

#### **Discussion**

PG&E is responsible for planning the routes of its electrical lines pursuant to its tariff Rule 15, as Complainants allege. In that context, PG&E must install service in the most efficient and practical way given the demands of existing customers and those who might be reasonably expected to require service in the foreseeable future.

In 1977, a developer in Complainants' neighborhood sought service for several residences but did not seek service for the tennis courts located on the lot where

Complainants' residence was recently constructed. Complainants do not allege that PG&E failed to install the transformer in a reasonable location given the developer's request for service in 1977 and the conditions included in the developer's construction permit. Accordingly, we must assume that the location of the transformer was the most practical one for customers located in the neighborhood at the time. That having been said, Complainants' allegation that PG&E should have located the transformer closer to their lot assumes that PG&E should have anticipated that service would be required on their lot almost twenty years hence and, by moving the transformer closer to Complainants' lot, should have increased the costs of service to the customers seeking service at the time PG&E installed the transformer in 1977. The record provides no evidence to support a finding that either of these assumptions is reasonable under the circumstances. PG&E did not violate its tariffs, Commission policy or reasonable operating practices when it located the transformer on Old Oak Court. Therefore, Complainants are responsible for the costs of conduit and trenching required to receive service to their new residence. We deny the complaint.

#### **Findings of Fact**

1. PG&E installed a transformer in 1977 in Old Oak Court, Walnut Creek at the request of a developer. The developer did not request electric service at 1950 Old Oak Drive where an unlighted tennis court was located. The developer's permit assumed the tennis court would be unlighted.
2. Complainants recently constructed a residence at 1950 Old Oak Drive and required service to the lot. In order to receive service, Complainants undertook trenching work and state they incurred associated costs of \$5900.
3. Complainants allege that PG&E failed to plan appropriately for the service required in the neighborhood and should have located the transformer closer to their lot.
4. Complainants do not allege that PG&E's installation of the transformer on Old Oak Court was unreasonable in light of the developer's request or the needs of local customers in 1977.

5. Nothing in the record suggests PG&E failed to plan its system responsibly when it installed the transformer on Old Oak Court or that it should have installed the transformer in anticipation of a requirement for service at Complainant's lot twenty years hence.

**Conclusions of Law**

1. With regard to the allegations in this Complaint, PG&E did not violate its tariffs, Commission policies or orders or reasonable operational practices.
2. The Commission should deny the complaint.

**O R D E R**

**IT IS ORDERED** that:

1. The complaint of Robert E. Lee and Patricia J. Lee is denied.
2. This proceeding is closed.

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