

Decision 97-10-003 October 9, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Paul and Gabriele Schulz,

Complainant,

vs.

Bear Valley Electric Service,

Defendant.

ORIGINAL

(ECP)

Case 97-01-025

(Filed January 21, 1997)

Paul Schulz, for himself, complainant.

Karen Hutchison, for Bear Valley Electric Service, defendant.

O P I N I O N

Procedure

Paul William and Gabriele C. Schulz (Schulz) filed this complaint on January 21, 1997, under the Commission's Expedited Complaint Procedure (ECP). A duly noticed hearing without a court reporter was held on March 5, 1997, at Big Bear Lake. Paul Schulz appeared for complainants and Karen Hutchinson presented evidence for defendant. Daniel A. Dell'Osa, attorney for defendant, attended the hearing, but did not participate in it.

On January 25, 1997, Schulz wrote a letter to the Commission requesting that the hearing be conducted under the Commission's regular procedures, but this letter did not come to the assigned Administrative Law Judge's (ALJ) attention until after the ECP hearing. Schulz made no mention of this request at hearing.

On March 17, 1997, Schulz filed an Appeal and Request for Rehearing on the ground that the request for a hearing under the Commission's regular procedures had not been granted. A new hearing in Los Angeles was requested by Schulz.

On April 2, 1997, the ALJ responded to complainant's appeal, stating, in part, as follows:

"Section 1731 of the Public Utilities Code governs your appeal. You may apply for a rehearing only after the Commission reaches a decision. The Commission's Public Advisor will be pleased to assist you should you be dissatisfied with the outcome of this proceeding. You will receive the decision in the mail.

"I will prepare a proposed decision for the Commission's consideration when you or the utility inform me of the results of the inspection of your home that was agreed upon at hearing on March 5, 1997."

Complaints at Hearing

Schulz made several specific complaints at hearing. On April 29, 1997, the ALJ summarized the hearing by letter to the parties which is attached as Exhibit 1.

Complainants responded to the ALJ's letter, but provided no additional proof that the CARE discount was not timely given nor reasons why the letter of apology was unacceptable.

Defendant responded to the ALJ's letter by submitting a copy of complainant's account showing that the disputed \$40.00 credit had been properly given. Defendant also sent a copy of a letter it received from complainants stating that they would not allow the agreed-upon inspection of their premises for the purpose of verifying that it qualified for all electric baseline allowances.

Complaints After Hearing

On June 8, 1997, Schulz sent a letter to the ALJ stating that their power service had been shut off for nonpayment of bills. They complained that they had not received proper notice of the shutoff and that their meter had been incorrectly read.

On June 26, 1997, the ALJ sent a letter to defendant asking that it provide complainants and the ALJ with copies of the tariffs authorizing shutoff, including notices, together with an explanation of how the utility followed them.

On July 2, 1997, defendant provided the requested information establishing that tariff requirements were adhered to in the Schulz shutoff.

Discussion

At present, complainants are over 60 days delinquent in paying their electric bills without counting the \$116.85 they deposited with the Commission when they filed their complaint. Their power was shut off in accordance with the utility's tariff.

Their major complaint is that they have been improperly denied the benefit of lower rates extended to occupants of all electric homes. At hearing, the utility and complainants agreed that the utility would inspect the Schulz premises to verify that it was all electric and then appropriately back credit their account to reflect the lower rate. However, efforts by defendant to make an appointment to inspect failed, and Schulz, on June 8, 1997, notified defendant that they would not permit an inspection of their property.

While this complaint was filed as an ECP, complainants made a timely request that it be treated formally. However, their request did not come to the attention of the ALJ until after the hearing.

To remedy the want of a transcript of the proceedings, the ALJ solicited correspondence from the parties which provide sufficient information to the Commission for us to be fully informed of the facts of the case.

We find that Schulz has failed to prove any wrongdoing on the part of defendant.

This decision does not foreclose complainants from permitting inspection of their property so that the utility may determine if the all-electric home rate is available to them.

O R D E R

IT IS ORDERED that:

1. The relief requested is denied.
2. The sum of \$116.85 on deposit with the Commission shall be disbursed to Bear Valley Electric Service.

3. This docket is closed.

This order is effective 30 days from today.

Dated October 9, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

STATE OF CALIFORNIA

PETE WILSON, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



April 29, 1997

File No.: C.97-01-025

Paul W. Schulz
P. O. Box 2865
Big Bear, CA 92314

Dear Mr. Schulz:

Re: CASE 97-01-025 - SCHULZ VS. BIG BEAR ELECTRIC SERVICE

I have received your letter dated April 17, 1997 together with its attachments. A review of the several elements of your complaint may be helpful.

First, the utility initiated a CARE discount on your account commencing in October 1996, and you believe that the discount should have been given at an earlier time. At hearing, Ms. Hutchinson testified that she gave you the discount when she received a completed application from you. In the absence of documentary evidence, I stated that I would agree with the utility that it provided the CARE discount in a timely fashion.

Again, if you have any written evidence that the utility received a completed application for the CARE discount prior to October 1996, please send it to the utility and to me. I will change my tentative order if I am shown to be wrong.

Second, you claim to have an all electric home, but the utility has not applied all electric base line allowances to your account. At hearing, it was agreed that you would allow the utility to inspect your home to verify that it is all electric. Following such inspection, the utility was to make appropriate adjustment to your account.

To date, I have not received notice that the inspection has occurred.

Third, at hearing, it was agreed that the service lines to your home would be inspected to assure proper tension.

The utility made the inspection and either adjusted the tension or found that no adjustment was necessary.

Fourth, at hearing, it was agreed that a copy of a letter of apology written to you by the utility would be sent to Big Bear Christian Center.

Paul W. Schulz
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The utility sent the letter, but you state that it is unacceptable. Please send me a copy of the letter of apology and explain why it is unacceptable to you.

Fifth, you state that the credit of \$40.00 discussed at hearing was not made to your account.

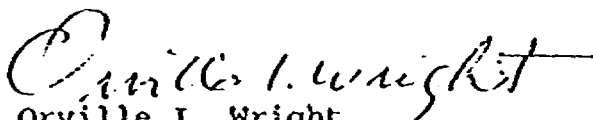
By this letter I request the utility to send you and I a copy of your account showing the \$40.00 credit.

With respect to payment of your utility bills, you are advised that pendency of this complaint case does not affect your obligation to pay your utility bills in accordance with the tariff.

With respect to your petition, you may wish to contact the Commission's Public Advisor for any assistance you may require.

Finally, if you have any other specific complaints against the utility, please write to tell me about them. I will include them in your complaint case.

Very truly yours,


Orville I. Wright
Administrative Law Judge

OIW:sng

cc: Karen Hutchison
Customer Service Superintendent

(END OF EXHIBIT 1)