

Decision 98-06-077      June 18, 1998

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

Saddiq Kahn, Complainant, vs. Pacific  
Gas and Electric Company of  
California, Defendant.

Case 97-10-060  
(Filed October 17, 1997)

**ORIGINAL**

**ORDER DENYING APPLICATION FOR REHEARING**  
**OF DECISION 98-04-010**

On October 17, 1997, Saddiq Kahn (applicant and complainant) filed a complaint against Pacific Gas and Electric Company of California (PG&E) requesting flat rate service and removal of a utility pole on his premises. In Decision (D.) 98-04-010 we denied the complaint as it was identical to that filed by the complainant against PG&E in Case (C.) 95-10-051 and dismissed by D.96-07-012. Case 95-10-051 was dismissed because Mr. Kahn was not the utility's customer of record and had no authority to represent the customer of record. Also, the utility pole in question was found by the Commission's Utilities Safety Branch to be in compliance with General Order 95 and not hazardous. Mr. Kahn failed to allege any new facts in his second complaint, and we accordingly dismissed the complaint with prejudice in D.98-04-010.

Mr. Kahn filed a timely application for rehearing of D.98-04-010 in which he claims the "P.U.C.'s judgement of April 9, 1998 is wrong." He further alleges that the Commission made an error in instructing him to make a deposit of \$500.00 for a new 110-220 volt meter.

In his application for rehearing, Mr. Kahn merely reiterates his charges against PG&E. Rearguing the allegations of the complaint, and stating only that the Commission's decision denying that complaint is "wrong," does not

articulate any legal error in our decision as required by Public Utilities Code section 1732. That section requires that an application for rehearing set forth specifically the ground or grounds on which the applicant considers the decision or order to be unlawful. Even with the most charitable reading, Mr. Kahn's application for rehearing fails to meet the requirements of §1732. In addition, his claim that the Commission erred in instructing him to deposit \$500.00 for a new meter is necessarily without merit as no such instruction or order exists in D.98-04-010.

Moreover, the doctrines of res judicata and collateral estoppel, as well as §1709, bar the applicant's claims. The complaint involved the same parties and raised the same issues adjudicated and resolved in D.96-07-012. Mr. Kahn had the opportunity to file an application for rehearing of D.96-07-012 but failed to do so. That decision is now final and pursuant to §1709, he is collaterally estopped from raising the same claims.

Therefore, **IT IS ORDERED** that:

1. Rehearing of Decision 98-04-010 is denied.
2. This proceeding is closed.

This order is effective today.

Dated June 18, 1998, at San Francisco, California.

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