

Decision 98-11-040 November 19, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Shannon Lightfoot,

Complainant,

vs.

Pacific Gas and Electric Company,

Defendant.

(U 39 E)

Case 98-06-032  
(Filed June 16, 1998)

ORIGINAL

OPINION

Plaintiff Shannon Lightfoot filed the complaint herein on June 16, 1998, alleging that defendant Pacific Gas and Electric Company (PG&E) maintains a clearance pole in proximity to his garage in "direct violation of (his) rights." PG&E's answer denies this allegation and asks us to dismiss the complaint.

The matter was preliminarily categorized as an adjudicatory proceeding in the Instruction To Answer, and no appeal of that designation was made. Administrative Law Judge Victor Ryerson held a prehearing conference (PHC) pursuant to Rule 49 of the Commission's Rules of Practice and Procedure (Rules) on October 6, 1998. Assigned Commissioner Henry Duque attended and participated.

In discussing the definition of the issues with Mr. Lightfoot at the PHC, it became apparent that the complaint does not allege PG&E has violated any statute, rule, regulation, or tariff provision which this Commission can enforce. Accordingly we have no alternative other than to dismiss the complaint for want

of jurisdiction. See Public Utilities Code Section 1702. Because we have decided to dismiss the complaint, no scoping memo is necessary, nor is a hearing required.

**Findings of Fact**

1. Plaintiff Shannon Lightfoot has filed the complaint, herein, alleging that defendant PG&E maintains a clearance pole on his property in violation of his rights.

2. The complaint does not allege any facts which, if proven, would demonstrate that PG&E is in violation of any statute, or any rule, regulation, or Commission approved tariff.

**Conclusions of Law**

1. The Commission lacks jurisdiction to grant any relief under the facts alleged in the complaint.

2. The complaint should be dismissed with prejudice.

**O R D E R**

**IT IS ORDERED that:**

1. Case 98-06-032 is dismissed with prejudice.
2. This proceeding is closed.

This order is effective today.

Dated November 19, 1998, at San Francisco, California.

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