

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

April 19, 1999

TO: PARTIES OF RECORD IN CASE 98-07-032
DECISION 99-04-039, Mailed 4/19/99

On March 17, 1999, a Presiding Officer's Decision in this proceeding was mailed to all parties. Public Utilities Code Section 1701.2 and Rule 8.2 of the Commission's Rules of Practice and Procedures provide that the Presiding Officer's Decision becomes the decision of the Commission 30 days after its mailing unless an appeal to the Commission or a request for review has been filed.

No timely appeals to the Commission or requests for review have been filed. Therefore, the Presiding Officer's Decision is now the decision of the Commission.

The decision number is shown above.

A handwritten signature in cursive script that reads "Lynn T. Carew" with a stylized flourish below it.

Lynn T. Carew, Chief
Administrative Law Judge

LTC:jva

Attachment

Decision 99-04-039

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pamela Gruszka,

Complainant,

vs.

San Diego Gas and Electric Company,

Defendant.

Case 98-07-032
(Filed July 8, 1998)

Richard F. Gruszka, for Pamela Gruszka, complainant.

Eric A. Swenson, Attorney at Law, for San Diego Gas and
Electric company, defendant.

O P I N I O N

Summary

This case is dismissed by reason of failure of complainant to prove any wrongdoing on the part of defendant.

Procedure

Pamela Gruszka (Gruszka or complainant) complains that San Diego Gas and Electric Company (SDG&E or defendant) is providing electrical service to her home which is dangerous to complainant's life and property. Gruszka also disputes defendant's bills for electrical service and seeks a refund, plus interest, of alleged excess charges.

SDG&E filed its answer to the complaint on September 3, 1998. A Scoping Memo and Ruling of Assigned Commissioner was issued on November 18, 1998 pursuant to Rule 6.3 and 6(b)(3) of the Rules of Practice and Procedure.

A duly noticed public hearing was held in San Diego on December 8, 1998 before Commissioner Josiah L. Neeper and Administrative Law Judge Orville I. Wright and the matter was submitted with the filing of the transcript on January 18, 1999.

Dangerous Electrical Service

Complainant testified that she has had recurring difficulties with complainant's electrical service since November 1996.

Her experiences include: replacing dozens of lightbulbs, purchasing a gas water heater after her electric water heater caught fire, replacing two hair dryers which caught fire, having her interior house lights dim when her neighbor uses air conditioning, and other unexplained electrical failures. She has had her home inspected by two electricians who could find nothing wrong with her wiring or with her electric appliances.

In December of 1997, SDG&E changed the 25 kVA transformer and pad to a 50 kVA padmount due to a cracked synthetic pad. Gruszka states that her electrical problems materially lessened since replacement of the transformer and believes a defective transformer may have been the cause of her difficulties.

Defendant's evidence is that three separate voltage tests made at the service entrance to complainant's home revealed no voltage or service problems. The tests were made on September 23, 1997, November 24, 1997, and February 5, 1998 and the test voltage charts were produced at the hearing. The transformer was changed in December 1997 because of a broken concrete pad, according to SDG&E's witness, and not because of any electrical problems.

High Bills

Complainant testified that her electricity bills were excessive when compared to those of her neighbor, and were higher than the capacity of her appliances.

SDG&E's evidence is that complainant's meter was tested on January 15, 1998, and found to be within the 2% accuracy requirement of the Commission. Further, on November 7, 1997, an in-home energy audit was conducted by SDG&E, and it was found that complainant's connected electrical load was more than capable of consuming the energy billed to Gruszka.

Discussion

The question presented in this case is whether SDG&E violated any law, order, or rule of the Commission as defined in Pub. Util. Code § 1702. The burden of proof that such violation occurred falls upon complainant.

Gruszka has shown that she has had electrical problems in her home, but she has not shown that SDG&E is in any way responsible for these problems. The evidence is to the contrary; defendant conducted voltage tests and inspections which found no evidence of any SDG&E electrical service problems.

With respect to the claimed high bills, the evidence is clear that complainant's connected electrical load was capable of utilizing the energy billed to her, and her SDG&E meter was tested and found to be operating properly.

Complainant has not carried her burden of proving some wrongdoing on the part of defendant.

Findings of Fact

1. Gruszka complains that SDG&E is providing dangerous electrical service to Gruszka's home and has charged her for more energy than she has used.

2. SDG&E conducted voltage tests and inspections which found no evidence of electrical service problems at Gruszka's premises.

3. Complainant's connected electrical appliances are capable of using the energy billed to Gruszka.

4. Gruszka's meter was tested and found to be operating within Commission-approved tolerances.

Conclusions of Law

1. Complainant has not carried her burden of proving some wrongdoing on the part of defendant.

2. The complaint should be dismissed.

O R D E R

IT IS ORDERED that:

1. The complaint is dismissed.
2. Case 98-07-032 is closed.

This order becomes effective 30 days from today.

Dated April 19, 1999, at San Francisco, California.