

Decision 99-02-060 February 18, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Edwin F. De la Torre,

Complainant,

vs.

Southern California Edison Company,

Defendant.

Case 98-08-038
(Filed August 25, 1998)

OPINION

Complainant seeks an order requiring defendant to pay reparations; to establish a customer notification procedure in writing when hazardous conditions are found on a customer's property; and to prohibit defendant's employees from notifying local building officials of hazardous conditions until the customer has had an opportunity to correct the problem. Defendant moves to dismiss on the ground that complainant does not plead a cause of action within the Commission's jurisdiction. The motion is granted.

The facts as alleged by complainant are:

On October 16, 1997, complainant noticed an electrical problem at his property at 228 E. Figueroa Street, Santa Barbara, California. He called an electrician who determined there was a faulty disconnect switch and it would have to be replaced. Southern California Edison Company (Edison) would have to be contacted to unlock the meter. He instructed the electrician to proceed with the work and to contact Edison.

On October 17, 1997, the electrician called Edison to unlock the meter. The Edison lineman arrived sometime around 9:00 a.m. At approximately 11:30 a.m., complainant received a call from the electrician informing him that the Edison lineman had left without disconnecting the meter because the lineman observed the utility's service line touching the roof upstream of the meter. The lineman commented to the electrician that this was an unsatisfactory condition and left the property. Within approximately 15 minutes, the City of Santa Barbara Building & Safety electrical inspector appeared on site and advised the electrician to stop work and obtain a permit. The inspector proceeded to write up several pages of corrections.

Complainant contacted the building inspector and asked him who informed him of the condition at complainant's property. He replied that an Edison lineman had, and that he receives such calls about once a day.

On October 22, 1997, work started and was completed on October 24, 1997, per the correction notices. Complainant asserts that because of the action of Edison employee's calling the building inspector, he was placed in the position of proceeding, within a three-hour time frame, with a contract of \$10,357 to correct the findings of the city inspector. He did not have the opportunity to seek other bids due to the possible discontinuance of electrical service to his tenants and the charging of double permit fees.

Because of the above-related incident, the scope of repairs was greatly expanded due to the actions of the Edison employee. Consequently, complainant filed a claim in the amount of \$10,357 with Edison, which was denied.

Complainant has not stated a cause of action upon which relief can be granted by this Commission. Edison's actions were appropriate and are to be commended. Edison has no duty to notify or attempt to notify customers of hazardous and unsafe electrical conditions on their property prior to notifying the local city building and safety inspectors. (See Edison tariff ESR-5 (Electrical Service Requirements - Meters, I.O.) Complainant has not cited any such

requirement. In any case, complainant was notified promptly of the unsafe conditions when Edison's employee told complainant's electrician of the problem. To require Edison to refrain from notifying the proper authorities of a hazardous condition until the customer had an opportunity to correct the problem would be contrary to good safety practice. Reparations are not involved in this case as no Edison rate or charge is in question.

The matter was categorized as an adjudicatory proceeding and that hearings were necessary. This matter can be resolved without hearings, therefore, we change the determination from hearings are required to no hearings are required in the Instruction to Answer. No appeal of that designation was made.

Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Public Utilities Code § 311(g) and Rule 77.1 of the Rules of Practice and Procedure. No comments were filed.

Findings of Fact

1. Edison's lineman noticed a hazardous and unsafe electrical condition on complainant's property and promptly notified the appropriate building and safety inspector.
2. The lineman's conduct was appropriate and commendable.

Conclusion of Law

The complaint should be dismissed for failing to state a cause of action. The complaint does not allege any act or thing done or omitted to be done by Edison in violation of any provision of law or any order or rule of the Commission.

O R D E R

IT IS ORDERED that the complaint is dismissed. This case is closed.

This order is effective today.

Dated February 18, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners