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

Nash Dweik,  
Complainant,

v.

Pacific Gas and Electric Company

Defendant.

(U 39 E)

Case No. C.09-11-001  
(Filed November 3, 2009)

**VERIFIED ANSWER TO COMPLAINT OF DEFENDANT PACIFIC GAS AND  
ELECTRIC COMPANY**

STEPHEN L. GARBER  
MICHAEL R. KLOTZ

Pacific Gas and Electric Company  
77 Beale Street, B30A  
San Francisco, CA 94105  
Telephone: (415) 973-7565  
Facsimile: (415) 973-0516  
E-Mail: m1ke@pge.com

Dated: December 16, 2009

Attorneys for  
PACIFIC GAS AND ELECTRIC COMPANY

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Pursuant to Rule 4.4 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure, defendant Pacific Gas and Electric Company (PG&E) respectfully submits its answer to the Complaint of Nash Dweik.

**I. SUMMARY**

This case involves the extension of new gas and electric service to Mr. Dweik's newly-constructed residence at 4822 Houghton Avenue, Corning, CA 96021. PG&E completed installation of gas service to Mr. Dweik's residence on July 9, 2009. Electric service installation was scheduled for July 13, 2009. The only reason electric service was not completed on the scheduled installation date is that Mr. Dweik ordered PG&E to stop work and leave his property before installation could be completed. PG&E has made every accommodation to Mr. Dweik and has offered to schedule several subsequent appointments to complete the installation.

Mr. Dweik has declined PG&E's offers and continues to refuse to allow PG&E to complete installation of electric service to his residence.

Dweik complains (1) about the location of the electric transformer that would serve his residence and (2) that PG&E should be required to establish new electric service to an agricultural well on his neighbor's property pursuant to the contract for installation of electric service to Mr. Dweik's residence.

**A. Location of the Transformer**

Mr. Dweik complains that PG&E should be required to install an additional single-phase transformer on the pole near the southwest corner of his property ("Southwest Pole") to serve only his own residence. PG&E's design never called for that.

At the time of the initial field visit, PG&E proposed serving Mr. Dweik's new residence from the existing transformer on the pole near the northwest corner of his property ("Northwest Pole"). That existing transformer had adequate capacity to serve Mr. Dweik's residence without modification. However, at Mr. Dweik's request, PG&E agreed that he could trench and install his underground conduit to the Southwest Pole rather than the Northwest Pole, due to the presence of an irrigation pipe on the North part of the property. PG&E accommodated Mr. Dweik's request because there was an existing distribution transformer on the pole one span south of the Southwest Pole (the "Distribution Pole") that was serving other customers. PG&E designed the service accordingly.

To accommodate Mr. Dweik's trenching request, PG&E modified the design to provide for service to Mr. Dweik's residence from a transformer on the Distribution Pole (located one span south from where Mr. Dweik trenched). Wires ran the length of the span between Distribution Pole and the Southwest Pole (to which Mr. Dweik had trenched) and connected to Mr. Dweik's underground conduit through a new riser service PG&E installed on the Southwest Pole. The design required PG&E to replace the existing single-phase distribution transformer on the Distribution Pole at PG&E's expense with a larger, single-phase transformer capable of serving the added load from Mr. Dweik's residence. This would not have been necessary had

PG&E served Mr. Dweik through the existing transformer on the Northwest Pole as it initially proposed. PG&E never proposed nor agreed to install an additional transformer on the Southwest Pole. If PG&E were to install a separate transformer on the Southwest Pole, dedicated to serving only Mr. Dweik's own residence, Mr. Dweik would be required to pay for the full cost of the transformer pursuant to Rule 16 (an estimated additional \$4000-5000 cost) in addition to other special facilities charges that may have applied. As it stands, Mr. Dweik has not paid PG&E the total amount due for installation under the contract, which does not include any transformer replacement charges.

PG&E representatives discussed the trenching route with Mr. Dweik and his trenching agent and provided copies of the construction drawing showing the design detail far in advance of actual construction. Pursuant to Rule 2, PG&E representatives also provided Mr. Dweik with the results of voltage and flicker calculations, showing they were well within PG&E service standards.

**B. New Electric Service to the Agricultural Well**

Mr. Dweik also complains that on the day electric service was to be installed, PG&E improperly removed a three-phase transformer<sup>1</sup> from the Distribution Pole, which purportedly provided electric service to Mr. Dweik's agricultural well. Mr. Dweik claims that PG&E should be required to replace the three-phase transformer and re-establish electric service to the well pursuant to the contract for installation of electric service to his residence.

As PG&E has informed Mr. Dweik on numerous occasions, there was no three-phase transformer on the Distribution Pole on the day of the installation. That three-phase transformer was removed in 2001 after the transformer bank serving the adjacent property was damaged. Mr. Dweik refuses to acknowledge this fact. At that time, transformer loading reports also showed that there had been no active service to the well since at least 1999. In short, there has

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<sup>1</sup> What Mr. Dweik refers to as a "three-phase transformer" was actually an open delta bank. This consisted of two, separate, single-phase transformers, hanged together and bussed to provide three-phase power. For consistency, PG&E also refers to this open delta bank as a three-phase transformer in this Answer.

been no electric service to the agricultural well for at least ten years. The three-phase wiring running from the Distribution Pole to the Southwest Pole remains in place in the event that someone would apply for new three-phase service to the well. PG&E removed wires running from the Southwest Pole to the pole adjacent to the well itself, as they had not carried electric service in at least 10 years. This had nothing to do with installation of electric service to Mr. Dweik's residence nor did it result in any change in the status of electric service to the well.

In addition, the agricultural well is not on Mr. Dweik's property. Service to the well was established in 1977 in the name of the adjacent proper owner. PG&E's investigation of the property line shows that the well is, in fact, on the adjacent property owner's parcel. Mr. Dweik has not provided PG&E with any documentation to the contrary.

Finally, Mr. Dweik's application and contract did not provide for establishment of new service to the well or for installation of a three-phase transformer. His application was for a single-phase connection of electric service to his residence. PG&E has informed Mr. Dweik that if he would like to establish new service to the well, among other things, he needs to file a new business application with PG&E.

PG&E processed Mr. Dweik's application for new residential service as it would with any other residential customer and pursuant to applicable tariffs. PG&E has offered to complete electric service installation to Mr. Dweik's residence on numerous occasions and remains willing to do so.

PG&E believes that the Complaint is without merit and should be dismissed.

## **II. ANSWER TO COMPLAINT**

PG&E incorporates, by reference, the affirmative statements made in PG&E's Summary above. PG&E responds to the material allegations in the Complaint as follows:

1. PG&E admits that it is the defendant in this proceeding, and that its Redding Service Center is located at 3600 Meadow View Drive, Redding, California 96002.

2. Answering the allegations in the attached “Formal Complaint Form (F) Attachment,” PG&E admits that Mr. Dweik applied for a new residential gas and electric connection for his residence at 4822 Houghton Ave., Corning, CA, 96021. PG&E further admits that it approved Mr. Dweik’s request for trenching for the conduit sleeve toward the electrical pole near the southwest corner of his property. PG&E denies that it agreed to install an additional transformer on the Southwest Pole to serve only Mr. Dweik’s own residence. PG&E denies that any of Mr. Dweik’s costs under the contract were for a new transformer. PG&E denies that it failed to provide Mr. Dweik and/or his trenching agent with design sketches prior to construction. PG&E denies that it removed a three-phase transformer in connection with the effort to install electric service to Mr. Dweik’s residence on July 13, 2009. PG&E denies that it converted three phase overhead wire to single phase wire in connection with the effort to install electric service to Mr. Dweik’s residence on July 13, 2009. PG&E admits it informed Mr. Dweik that to complete an estimate to energize the well, Mr. Dweik would first have to get a permit from the City or County agency, have the electric panel inspected, and complete an application for new service for the well. PG&E denies that its employees fabricated or backdated any documents referenced by Mr. Dweik in his Complaint. PG&E denies that it has “mishandled, mistreated, and discriminated against” Mr. Dweik. Except as expressly admitted in this paragraph, PG&E denies all of the material allegations of “Formal Complaint Form (F) Attachment.”

3. a. PG&E admits that this is an adjudicatory proceeding.
- b. PG&E agrees that hearings are needed.
- c. PG&E does not agree that this complaint should be resolved on an expedited basis.
- d. PG&E does not have any problems with the normal proposed schedule.

### **III. AFFIRMATIVE DEFENSES**

**FIRST, SEPARATE, AND AFFIRMATIVE DEFENSE:** The Complaint fails to state facts sufficient to constitute a cause of action for relief against PG&E.

**SECOND, SEPARATE, AND AFFIRMATIVE DEFENSE:** Complainant is barred from obtaining the relief requested because PG&E has complied with all applicable tariffs and rules including, but not limited to, electric and gas Rules 15 and 16.

**THIRD, SEPARATE, AND AFFIRMATIVE DEFENSE:** Complainant has not satisfied his obligations under the installation contract with PG&E and therefore, is not entitled to contractual relief.

**FOURTH, SEPARATE, AND AFFIRMATIVE DEFENSE:** Complainant has refused to allow PG&E to complete installation in the manner provided for in the contract.

**FIFTH, SEPARATE, AND AFFIRMATIVE DEFENSE:** PG&E realleges and incorporates herein each and every one of its affirmative allegations in Section I Summary and Section II Answer to Complaint set forth above.

**IV. ALTERNATIVE DISPUTE RESOLUTION**

PG&E is willing to consider resolving this Complaint through alternative dispute resolution.

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**CERTIFICATE OF SERVICE BY ELECTRONIC MAIL OR U.S. MAIL**

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is Pacific Gas and Electric Company, Law Department B30A, 77 Beale Street, San Francisco, CA 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On the 16<sup>th</sup> day of December, 2009, I caused to be served a true copy of:

**VERIFIED ANSWER TO COMPLAINT OF DEFENDANT PACIFIC  
GAS AND ELECTRIC COMPANY**

**[XX]** By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for **C.09-11-001** with an e-mail address.

**[XX]** By U.S. Mail – by placing the enclosed for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service list for **C.09-11-001** without an e-mail address.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 16<sup>th</sup> day of December, 2009, at San Francisco, California.

\_\_\_\_\_  
/s/  
TAUVELA U'U

# THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST

Last Updated: November 18, 2009

## CPUC DOCKET NO. C0911001

Total number of addressees: 4

Katherine MacDonald  
**CALIF PUBLIC UTILITIES COMMISSION**  
DIVISION OF ADMINISTRATIVE LAW JUDGES  
505 VAN NESS AVE RM 5103  
SAN FRANCISCO CA 94102-3214  
Email: [kk3@cpuc.ca.gov](mailto:kk3@cpuc.ca.gov)  
Status: STATE-SERVICE

NASH DWEIK  
4822 HOUGHTON AVE  
CORNING CA 96021  
FOR: Nash Dweik  
Status: PARTY

Commissioner Dian Grueneich  
CALIF PUBLIC UTILITIES COMMISSION  
505 VAN NESS AVENUE  
SAN FRANCISCO CA 94102-3214  
Email: [dgx@cpuc.ca.gov](mailto:dgx@cpuc.ca.gov)  
Status: State-Service

ALJ Kimberly H. Kim  
CALIF PUBLIC UTILITIES COMMISSION  
505 VAN NESS AVENUE  
SAN FRANCISCO CA 94102-3214  
Email: [kk2@cpuc.ca.gov](mailto:kk2@cpuc.ca.gov)  
Status: State-Service

Michael R. Klotz, Esq.  
Pacific Gas and Electric Company  
77 Beale Street, B30A  
San Francisco, CA 94105  
Email: [m1ke@pge.com](mailto:m1ke@pge.com)  
Status: Party

Stephen L. Garber, Esq.  
Pacific Gas and Electric Company  
77 Beale, Street, B30A  
San Francisco, CA 94105  
Email: [slq0@pge.com](mailto:slq0@pge.com)  
Status: Party

**THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
EMAIL SERVICE LIST**

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kk3@cpuc.ca.gov; dgx@cpuc.ca.gov; kk2@cpuc.ca.gov ; m1ke@pge.com; slg0@pge.com