

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

F.S. Orsay,

Complainant,

vs.

Southern California Gas Company,

Defendant.

(ECP)

Case 13-10-004

(Filed October 7, 2013)

F.S. Orsay, for herself, Complainant

Ray B. Ortiz, Representative of Southern California Gas Company, Defendant

DECISION DENYING RELIEF

1. Summary

F.S. Orsay, Complainant (Complainant), contends that Defendant, Southern California Gas Company (SCG), failed to abide by her security requests, made accusations against her character, harassed her by calling her telephone number, failed to schedule two field technicians (FT), and expected her to store a dirty duffle bag. Complainant contends that the FTs servicing her call failed to wear "booties" to cover their shoes; and that SCG failed to credit her account for the extra heat emanating from the pilot light of her gas furnace, and threatened to turn off her gas. Complainant further alleges that SCG denied her admittance to its Energy Savings Assistance Program.

The Complaint is dismissed with prejudice for failure to state a claim upon which relief may be granted.

This proceeding is closed.

2. Factual Background

Complainant currently resides in Southern California and is a customer of Southern California Gas Company (SCG). SCG is a utility providing gas service under the jurisdiction of the California Public Utilities Commission (Commission). Complainant filed an Informal Complaint with the Commission's Consumer Affairs Branch (CAB), which ruled in favor of SCG. On July 31, 2013, Complainant appealed CAB's findings. On appeal, CAB found that SCG could continue to send two field technicians (FT), who will wear shoe coverings and follow Complainant's access arrangements. CAB also found that SCG FTs were not required to leave their tools outside Complainant's residence. Complainant then utilized the Expedited Complaint Procedure and filed an Expedited Complaint (Complaint) with the Commission on October 7, 2013. The hearing was held on December 19, 2013.

Complainant alleges that from June 2009 to the present, she requested that SCG explain why it placed a security hold on her account and sent two FTs during service calls. Complainant further contends that SCG would not change its policy of sending two FTs to her home despite several requests. Complainant now requests that two FTs come to her residence so that one can guard the other FT's duffel bag, which should be left outside of her residence. Complainant also contends that SCG's employees were rude and disrespectful. Moreover, Complainant alleges that she felt harassed when SCG called her home telephone and requests that SCG notify her by email or regular mail instead.

According to SCG, Complainant called SCG to address a possible gas leak. SCG responded and had a FT correct the problem which was determined to be a pilot outage. SCG asserts that the FT felt uncomfortable while servicing the call because of Complainant's behavior and thus, did not service the remaining gas appliances. Because of this incident, SCG asserts that it implemented a procedure pursuant to its company policy to include a field supervisor or Corporate Security Special Agent to accompany the FT on all service orders for Complainant.

Complainant further alleges that SCG failed to consider her for its Energy Savings Assistance Program (ESA Program). However, SCG alleges that on November 3, 2009, Complainant called SCG in response to an ESA Program flyer. During this conversation, SCG alleges that Complainant and the ESA contractor discussed the program's eligibility requirements and that, as a result, Complainant requested her name be removed from the ESA Program. SCG also asserts that the ESA Program contractor who discussed the ESA Program with Complainant indicated that Complainant was difficult to work with.

On a few occasions from July 5, 2013 to July 31, 2013, Complainant called SCG to either turn her pilot light on or off. On July 24, 2013 and July 31, 2013, Complainant contends that SCG failed to follow Complainant's requests to: 1) wait at Complainant's front security gate until she escort the FTs in, 2) bring clean booties to cover the FTs' shoes, and 3) bring a tarp to cover the FTs' duffel bags. Complainant also claims that SCG violated SCG's policy by sending a single FT on the first service call on July 24, 2013.

SCG asserts that on October 10, 2012, SCG contacted Complainant and told her that SCG removed the Security Alert, which required SCG to send two FTs, placed on her account. As a result of this action, SCG sent only a single FT to

service Complainant's July 24, 2013 call. During the first service call on July 24, 2013, SCG claims that Complainant screamed at the FT after a tenant let the FT enter the building. The FT then left the building and notified his supervisor of the incident. Following this incident, SCG's Corporate Security and field supervision reinstated the procedure to include two FTs. During the second service call on July 31, 2013, Complainant did not allow the FT to bring his tool bag into her premises. The FT did not finish the service call because Complainant asked the FT to leave. Also, during the scheduling of these service calls, SCG alleges that Complainant was abrupt and terminated the calls early.

As a result of the December 19, 2013 hearing and in an attempt to provide generous customer service, SCG offered to accept specific terms in regards to its communication with Complainant, service visits by FTs, and ESA Program.

Specifically, SCG agreed to:

1. communicate with Complainant by email and/or letter sent by United States Postal Service and will only contact Complainant by telephone when exigencies require immediate contact;
2. mail Complainant a copy of current ESA information to allow her to determine if she meets the income guidelines and if she is interested in applying for the program;¹
3. utilize the security gate and intercom mechanism at Complainant's residence to inform her that FTs have arrived;
4. FTs will wait outside the security gate until Complainant meets them;

¹ SCE provided this information to Complainant during the pendency of this proceeding.

5. although Defendant will continue to send two FTs to Complainant's residence, Defendant will make an effort to send a female FT;
6. one FT will complete the service call, while the second FT will observe;
7. the second FT will remain outside Complainant's residence if they can maintain visual and auditory contact with the other FT;
8. FTs will wear clean coverings (booties) to cover their shoes when entering Complainant's residence; and
9. the FT servicing the call will bring their tool bag inside Complainant's residence, but will place the tool bag on a clean tarp.

SCG had no obligation to make this offer because it acted fully within its company policy and did not violate its tariff, a state law, or a Commission rule or order. Despite this display of customer service, Complainant did not accept these terms. Specifically, Complainant states she will not allow the FTs to have their tool bag with them in her residence while servicing her call.

3. DISCUSSION

Complainant failed to meet her burden of proof. In order to be cognizable, a complaint must allege "any act or thing done or omitted to be done by any public utility... in violation or claimed to be in violation, of any provision of law or of any order or rule of the commission." (Pub. Util. Code § 1702.)

Complainant did not demonstrate that SCG violated any applicable law or a Commission rule or order. Therefore, Complainant failed to state a claim upon which relief may be granted and the complaint must be dismissed.

SCG offered to compromise absent any obligation and attempted to settle based on Complainant's legally invalid concerns. Complainant refuses to allow SCG's FTs to bring their tool bags with them into her residence and requests that

their tool bags be left outside her front door. This is not a cognizable claim as it falls outside of any law or Commission order or rule. Also, Complainant did not allege that SCG violated any other city ordinance, state statute, provision of the Public Utilities Code, or any Commission order or rule. Therefore, the complaint is dismissed because Complainant failed to state a claim upon which relief may be granted.

Moreover, the FTs must be permitted to have their tools at hand in order to do their job effectively. This ensures the safety of their customers, their technicians, and the public at large. In order to comply with the Commission's primary directive of providing "safe, reliable service," SCG technicians must be allowed the full and immediate access to their tools.

4. Assignment of Proceeding

Carla Peterman is the assigned Commissioner and Katherine MacDonald is the assigned Administrative Law Judge in this proceeding.

O R D E R

IT IS ORDERED that:

1. Case 13-10-004 is dismissed with prejudice.
2. Case 13-10-004 is closed.

This order is effective today.

Dated _____, at San Francisco, California.