

disconnected. (D.03-01-031, p. 2) In the Decision, we found that Mr. Kavoussi was an occupant of the La Verne property during the time the charges accrued, for purposes of identifying responsible parties under Edison Tariff Rule 11.B.8 (“Rule 11.B.8”).² (D.03-01-031, pp. 2-3.)

Mr. Kavoussi timely filed an application for rehearing of D.03-01-031. In his application for rehearing Mr. Kavoussi asserts that our decision erred by: (1) holding that Mr. Kavoussi paid \$783.67 to put the electric service in his name rather than have it disconnected, since the payment was actually intended as a security deposit in his account for his unrelated commercial property; and (2) interpreting Rule 11.B.8 to allow Edison to recover payment for past service to the residence, when the tariff only permitted the utility to discontinue service for unpaid bills, or deny service when he sought to transfer the account to his name. (Rehrg. App., pp. 1-2.)

We have reviewed each and every allegation raised by Mr. Kavoussi, and are of the opinion that good cause does not exist for the granting of his application for rehearing.

II. DISCUSSION

A. **Based on the record, the Commission correctly determined that Mr. Kavoussi paid \$783.67 to put the electric service in his name to prevent disconnection.**

Mr. Kavoussi challenges our determination that he paid \$783.67 to put the electric service in his name rather than have his service disconnected. We find that this challenge has no merit because it is an attempt to relitigate a factual finding that we made based on his own testimony during the public hearing,³ and supported by other record evidence. Throughout the proceedings, Mr. Kavoussi has been inconsistent as to whether his payment of \$783.67 actually covered unpaid bills incurred by his brother through

² Rule 11.B.8 can be found on page seven of Edison Tariff 11: Discontinuance and Restoration of Service. Copies of Tariff 11 are attached to Edison's Answer to the Complaint as Attachment 5, and to Mr. Kavoussi's Complaint as Exhibit 8.

³ Because this was an expedited complaint proceeding, there are no transcripts of this public hearing.

June 6, 2000, to prevent disconnection of service, or whether he intended it to be transferred to his unrelated commercial account.

In his complaint, he asserted that this amount was illegally removed from his commercial account in order to satisfy the debt owed on his brother's account. (Complaint, p. 8; see also, Exhibit 5, p. 1.) However, at the expedited public hearing, he testified that he paid the sum, under duress, in order to avoid having his service cut off. (D.03-01-031, p. 2.)

In reaching our finding on this issue, we looked at the record and weighed the conflicting evidence to conclude that Mr. Kavoussi paid the amount to place the electric service in his own name to avoid disconnection. (See also, Exhibit 1, pp. 3-4 & Exhibit 3, p. 1 in the Complaint, which show his brother's account owed this precise amount on June 6, 2000, and that Mr. Kavoussi was credited for paying it.) Thus, the record supports our finding that he paid the \$783.67 to put the electric service in his name rather than have his service disconnected.⁴

The rehearing application constitutes nothing more than a relitigation of factual determinations that resulted in our denial of his complaint, and a request for the reweighing of the evidence in the record in his favor. The law is clear that that an application for rehearing should not be used to relitigate issues.⁵ For this reason, we deny the instant application for rehearing.

Furthermore, in his rehearing application, Mr. Kavoussi fails to present any arguments as to why the Decision is unlawful. Applications for rehearing must set forth specifically the grounds on which the applicant considers the decision or order to be unlawful. (Pub. Util. Code, § 1732; see also, Rule 16.1(c) of the Commission's Rules of

⁴ Even in his application for rehearing, Mr. Kavoussi acknowledges that he voluntarily paid the precise amount owed by his brother, but with the intention that the funds be credited to his commercial account. (Rehrg. App., p. 1.)

⁵ See *Application of Pacific Gas and Electric Co.* [D.10-12-064] (2010) ___ Cal. P.U.C.3d ___ ["An application for rehearing is not a vehicle for relitigation; rather, the 'purpose of an application for rehearing is to alert the Commission to a legal error, so that the Commission may correct it expeditiously.'"].

Practice and Procedure, Cal. Code Regs., tit. 20, § 16.1, subd. (c).) Thus, the rehearing application does not meet the requirements of Public Utilities Code section 1732 and Rule 16.1(c) of the Commission Rules of Practice and Procedure, since it fails to specify grounds for finding legal error.

B. The Decision correctly rejected Mr. Kavoussi's interpretation of Tariff Rule 11.B.8.

Rule 11.B.8, in its entirety, reads: "SCE may discontinue or deny service for nonpayment of a bill where SCE determines that the same person or persons continue to occupy the service address." (Rule 11.B.8.)

In his complaint, Mr. Kavoussi interpreted this rule to mean that Edison's only remedy for nonpayment of a bill is to discontinue service, and that Edison is prohibited from seeking recovery of unpaid bills from a new party. (Complaint, pp. 8-9.)

In its answer, Edison argued that Mr. Kavoussi failed to allege a violation of the law or a Commission order, and that Rule 11.B.8 was properly applied to him. (Answer, pp. 9-10.) In the Decision, we determined that Mr. Kavoussi was a responsible party under Rule 11.B.8, and denied him the relief requested. (D.03-01-031 pp. 2-3.) In the rehearing application before us today, Mr. Kavoussi reiterates his previous position, and asserts that our failure to adopt his interpretation of Rule 11.B.8 amounts to legal error. (Rehrg. App., pp. 1-2.)

Contrary to Mr. Kavoussi's interpretation, the language of Rule 11.B.8 does not limit Edison's action solely to discontinuing services for nonpayment of bills. Although it permits Edison to discontinue service to customers for nonpayment, Rule 11.B.8 says nothing at all regarding the exclusivity of this remedy. Specifically, nothing in the language precluded Edison from negotiating with Mr. Kavoussi for repayment of old bills prior to discontinuing service to his residence. (Rule 11.B.8.) Thus, Mr. Kavoussi's interpretation fails.

Furthermore, Mr. Kavoussi cites to no law in support of his particular interpretation of the Tariff, aside from the language itself. (Rehrg. App., p. 1-2.) As discussed above, the language of Rule 11.B.8 does not support his position. Thus, our

rejection of Mr. Kavoussi's proposed interpretation of Rule 11.B.8 does not constitute legal error.

III. CONCLUSION

For the reasons discussed above, the application for rehearing of D.03-01-031, filed by Mr. Kavoussi, is denied because no legal error has been shown.

THEREFORE, IT IS ORDERED that:

1. Rehearing of D.03-01-031 is denied.
2. Case (C.) 02-10-002 is closed.

This order is effective today.

Dated August 2, 2012, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
Commissioners