

Decision 09-11-016 November 20, 2009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Howard Paul Shore,

Complainant,

vs.

Southern California Gas Company
(U904G),

Defendant.

Case 09-06-013
(Filed June 15, 2009)

**DECISION DISMISSING COMPLAINT FOR
FAILURE TO STATE A CAUSE OF ACTION**

Howard Paul Shore (Complainant) seeks an order requiring Southern California Gas Company (SoCalGas) to offer its customers the option of using their Visa, MasterCard, or American Express credit card to make their monthly bill payments, and to have an option of automatic credit card billing/charging for those customers who wish never to be late in making a payment.

SoCalGas answered and moved to dismiss on the ground that Section 1702 of the California Pub. Util. Code requires that the complaint “[set] forth any act or thing done or omitted to be done by any public utility, including any rule or charge heretofore established or fixed by or for 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,” and that Complainant has failed to allege that SoCalGas has not at all times complied with the Pub. Util. Code and with SoCalGas’ rules and tariffs

approved by the Commission. We agree with SoCalGas and dismiss the complaint.

We have had long experience with the use of credit cards to pay utility bills. SoCalGas Advice Letter (AL) 2965 and Resolution G-3310, was approved on May 3, 2001, implementing SoCalGas' one-year pilot program offering customers the option of payment of bills by debit and credit cards (card payment program) using BillMatrix as the third-party vendor. On June 18, 2002, we approved SoCalGas' AL 3148, the continuation of the card payment program offering customers the option of payment of bills by debit and credit cards using BillMatrix as the third-party vendor. On August 20, 2003, we approved SoCalGas' AL 3275, which terminated the card payment program's credit card payment option but extended the debit card payment option. On March 6, 2007, we approved SoCalGas' AL 3710, whereby SoCalGas reinstated the credit card program with BillMatrix accepting only MasterCard credit card payments.

Complainant does not allege that SoCalGas has violated its tariff or any rule or order of the Commission, or any provision of law; therefore, he has not stated a cause of action.

Categorization and Need for Hearing

This case is adjudicatory, and a hearing is not necessary.

Comments on Proposed Decision

The proposed decision of the Administrative Law Judge (ALJ) in this matter was mailed to the parties in accordance with Section 311 of the Pub. Util. Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. No comments were filed.

Assignment of Proceeding

Dian M. Grueneich is the assigned Commissioner and Robert Barnett is the assigned ALJ in this proceeding.

Finding of Fact

Complainant has not alleged that SoCalGas has violated its tariffs, or any provision of law, or any Commission order or rule.

Conclusion of Law

The complaint should be dismissed for failure to state a cause of action.

O R D E R

IT IS ORDERED that:

1. The complaint is dismissed for failure to state a cause of action.
2. Case 09-06-013 is closed.

This order is effective today.

Dated November 20, 2009, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners

