



**FILED**

08/15/25

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**C2508011**

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

MINTURN NUT COMPANY;  
Complainant,

v.

PACIFIC GAS & ELECTRIC  
COMPANY (U39E),  
Defendant.

Complaint No. \_\_\_\_\_

(Filed August 15, 2025)

**COMPLAINT**

Representative of Complainant:

Michael Kerkorian  
UTILITY COST MANAGEMENT LLC  
1100 W. Shaw Avenue, Suite 126  
Fresno, CA 93711  
Tel: (559) 261-9230  
Fax: (559) 261-9231  
[mk@utilitycostmanagement.com](mailto:mk@utilitycostmanagement.com)

August 15, 2025

## **I. Facts**

The complainant in this case is Minturn Nut Company (“Minturn”). Minturn owns and operates an almond production facility located at 8800 Minturn Road in Le Grand that receives electricity service from Pacific Gas & Electric Company (“PG&E”). The production facility receives, sorts, packs, and ships almonds, which are qualifying agricultural end-uses under PG&E electric Rule 1.

On August 9, 2024, Minturn notified PG&E<sup>1</sup> that the Minturn electricity account was billed on commercial rate schedule B-10, in violation of PG&E’s tariffs which require customers eligible for agricultural rates to take service on an agricultural rate schedule. Minturn requested that PG&E convert service to rate schedule “AG-C” going forward, and refund to Minturn overcharges that had occurred during the prior three years in accordance with PG&E Rule 17.1.

PG&E converted Minturn’s service to schedule AG-C timely, effective the date that it was notified of the billing error. However, the utility still has not refunded overcharges that occurred during the three-year period prior to the date that it was notified (i.e., for electricity service from August 9, 2021 to August 9, 2024).

PG&E acknowledges that a refund is owed to Minturn; there is no dispute about this point.<sup>2</sup> The reason for this Complaint is that it has been more than a year since PG&E was notified of this billing error and Minturn has not received the refund that it is owed. In fact, there is no indication that PG&E plans to issue the refund anytime soon; a August 6, 2025 email from PG&E Supervisor of Billing Operations Cynthia Sayler to Minturn stated “This will take some time” and “The average processing time for the retro requests is 3 months but this can take longer”. Per this email, if it takes an additional three months or longer from

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<sup>1</sup> Minturn’s notification was sent via PG&E’s online “Webform” system from Minturn’s authorized representative Beth Rogers of Utility Cost Management LLC.

<sup>2</sup> PG&E’s Joyce Cunningham emailed Minturn’s representative Scott Predmore on March 7, 2025 stating “Yes, we will honor this retroactive rate/class change” and apologizing because she thought she “had already responded to this request quite a while back.”

August 6, 2025 for PG&E to issue the refund to Minturn, that will mean Minturn waited *at least* 15 months after PG&E was notified of the billing error to receive the refund.

Since August 2024, Minturn has repeatedly contacted PG&E via email and telephone to request its refund and inquire about when the refund would be paid. These attempts have largely been ignored by PG&E. In those instances when PG&E *has* responded to Minturn's inquiries there has been no discernable progress or concrete actions taken by PG&E that have resulted in Minturn receiving its refund. By this Complaint, Minturn seeks a Commission order requiring that 1) PG&E refund to Minturn immediately the overcharges that occurred from August 9, 2021 to August 9, 2024, plus prejudgment interest on the refund amount, and 2) impose any additional penalties or remedies that the Commission deems appropriate.

## **II. Legal and Factual Basis for Minturn's Claim**

### **A. Language of PG&E Electric Rule 17.1**

PG&E's Rule 17.1.B (Adjustment of Bills for Billing Error) mandates that when a billing error results in an overcharge, "PG&E will calculate the amount of the overcharge, for refund to the Customer, for a period of three years." This tariff language is clear and obligatory -- the use of the word "will" imposes a mandatory, immediate duty, and CPUC-approved tariffs carry the force of law. This obligatory language would be rendered meaningless if it were interpreted to mean that PG&E is free to issue the refund at any future date of its choosing, as PG&E seems to believe based on its treatment of Minturn.

### **B. Statutory Standard of "Just and Reasonable"**

Under Public Utilities Code § 451, utilities must furnish service and charge rates that are "just and reasonable." A utility delaying an overcharge refund for an extended period,

thereby effectively using a customer's funds without authorization, violates this standard by imposing an unfair financial burden on the customer.

### **C. CPUC Practice Favoring Prompt Refunds and Billing Adjustments**

CPUC practice underscores that refunds must be issued promptly. Such direction has appeared in multiple CPUC decisions and orders, reinforcing the expectation that utilities may not indefinitely delay issuance of refunds once overcharges are confirmed. For example, in D.86-06-035 the Commission established the policies that were incorporated into PG&E Rule 17.1, emphasizing that the “utilities’ assertion that they have procedures to detect billing and meter errors *promptly*”<sup>3</sup> (emphasis added) was critical to their decision. In D.89-08-002, the Commission expressed concern about PG&E delays correcting meter errors, stating “the customer’s situation should be *promptly* investigated” (emphasis added).<sup>4</sup> In D.92-06-063, PG&E was ordered to “promptly refund the amount in full within 10 days of the request.”<sup>5</sup> In D.83-12-017, SDG&E was ordered to “promptly refund” funds to a customer, with the Commission adding that “Failure to make the refund in full within 40 days should make the utility subject to a 7 percent per annum interest penalty.”<sup>6</sup> Many more examples can be cited that support the CPUC’s preference for the prompt resolution of billing errors with customers.

### **D. Enforcement Authority Against Unreasonable Delay**

The CPUC’s enforcement powers (e.g., under Public Utilities Code §§ 2107–2108) authorize penalties and interest for noncompliance with tariff obligations or for engagement

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<sup>3</sup> D.86-06-035 at page 278.

<sup>4</sup> D.89-08-002 at page 6.

<sup>5</sup> D.92-06-063 at page 7.

<sup>6</sup> D.83-12-017 at page 11.

in unreasonable business practices. Delayed refunds may be subject to such enforcement scrutiny.

### **E. Equity and Prevention of Unjust Enrichment**

Allowing PG&E to retain customer funds after the overcharge is confirmed constitutes unjust enrichment -- financial benefit accrued at the customer's expense without legal justification. Equity principles and the CPUC's public interest mandate require immediate restitution once the amount is known.

### **III. Issues to Be Considered**

There are four issues in this proceeding. First, is it reasonable and acceptable under Commission policy and regulations for PG&E to take at least 15 months, and possibly longer, to issue a refund that is undisputedly owed to a customer? Second, if it is not acceptable, given that PG&E has held on to the customer's funds for such a lengthy period, should the Commission order PG&E to pay prejudgment interest on the refund amount? Third, should the Commission order any additional penalties to dissuade PG&E from willfully withholding refunds from customers in the future? Fourth, if the Commission deems it appropriate as part of this proceeding, should language be added to PG&E Rule 17.1 to require PG&E to issue refunds to customers within a defined time period?

### **IV. Relief Requested**

Complainant requests that the Commission order PG&E to:

1. Promptly pay to Minturn a refund for overcharges that occurred during the three-year period from August 9, 2021 to August 9, 2024.
2. Pay Minturn prejudgment interest on such refund amount in an amount determined by the Commission.
3. Provide such other relief as the Commission deems appropriate.

**V. Information Required by Commission Rules**

This matter has not previously been brought to the Commission staff for informal resolution.

The suggested categorization of this proceeding is “adjudicatory”.

Minturn’s mailing address and phone number are as follows

Minturn Nut Company  
8800 South Minturn Road  
Le Grand, CA 95333  
Tel: (559) 665-8500

Defendant PG&E’s mailing address and phone number are as follows:

Pacific Gas & Electric Company  
300 Lakeside Drive, Suite 210  
Oakland, CA 94612  
Tel: (800) 468-4743 (Business Customer Service)

Minturn believes that a hearing will not be necessary.

Minturn proposes the following schedule for this proceeding:

Prehearing conference	October 6, 2025
Complainants’ Opening Testimony	November 10, 2025
PG&E’s Response Testimony	December 15, 2025
Complainants’ Rebuttal Testimony	January 12, 2026
Opening Briefs (Concurrently filed)	February 13, 2026
Response Briefs (Concurrently filed)	March 9, 2026

UTILITY COST MANAGEMENT LLC

By:                     /s/                      
                    Michael Kerkorian

Date: August 15, 2025

1100 W. Shaw Avenue, Suite 126  
Fresno, CA 93711  
Tel: (559) 261-9230  
Fax: (559) 261-9231

Representative of Complainant

## VERIFICATION

I, **Michael Kerkorian**, am a managing member of Utility Cost Management LLC (UCM), and am authorized to make this verification on its behalf. UCM is the authorized representative of the Complainant in this proceeding. I have read the foregoing complaint and know its contents. I am informed and believe, and on that basis allege, that the matters stated therein are true. This verification is being made by UCM, as representative of the Complainant, in accordance with CPUC Rules of Practice and Procedure. The Complainant is absent from the county in which UCM's office is located (Fresno County).

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on the date indicated below at Fresno, California.

By:                     /s/                      
Michael Kerkorian

Dated: August 15, 2025 7



## PRIVACY NOTICE

This message is to inform you that the Docket Office of the California Public Utilities Commission (CPUC) intends to file the above-referenced Formal Complaint electronically instead of in paper form as it was submitted.

Please note: Whether or not your Formal Complaint is filed in paper form or electronically, Formal Complaints filed with the CPUC become a public record and may be posted on the CPUC's website. Therefore, any information you provide in the Formal Complaint, including but not limited to, your name, address, city, state, zip code, telephone number, E-mail address and the facts of your case may be available on-line for later public viewing.

Having been so advised, the Undersigned hereby consents to the filing of the referenced complaint.

\_\_\_\_\_/s/\_\_\_\_\_  
Signature

\_\_\_\_\_  
August 15, 2025  
Date

\_\_\_\_\_  
Michael Kerkorian  
Print Name