STATE OF CALIFORNIA GAVIN NEWSOM, *Governor*

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298

FILED

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July 10, 2026

Agenda ID #24381
Adjudicatory

TO PARTIES OF RECORD IN COMPLAINT 25-12-011:

This is the proposed decision of Administrative Law Judge Andrew Dugowson. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's August 13, 2026 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:nd3

Attachment

Decision <u>**PROPOSED DECISION OF ALJ DUGOWSON**</u> **(Mailed 7/10/2026)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Laura Zellman, Complainant, vs. Pacific Gas and Electric Company (U39E), Defendant.	(ECP) Complaint 25-12-011

DECISION DISMISSING COMPLAINT

Summary

This decision denies and dismisses complaint Case 25-12-011. This proceeding is closed.

1. Factual and Procedural Background

On December 16, 2025, Laura Zellman (the Complainant) filed a complaint alleging the following:

1. When the Complainant contacted Pacific Gas and Electric Company (PG&E) to initiate new electric service at the Complainant's residence, the customer service agent failed to proactively inquire whether the Complainant owned an electric vehicle. Because the agent did not ask whether the Complainant owned an electric vehicle, the Complainant alleges that the agent recommended that the Complainant

enroll in the E1 Residential Rate even though Rate EV2-A would have resulted in lower bills for the Complainant. Accordingly, the Complainant enrolled in the E1 Residential Rate from September 16, 2025, to October 27, 2025.

2. The Complainant suffered financial harm because, while enrolled in the E1 Residential Rate, their bills were higher than they would have been under Rate EV2-A.
3. PG&E's process for handling new service requests is flawed because it does not require customer service agents to ask whether a new customer owns an EV.
4. The Commission's Consumer Affairs Branch inappropriately denied an informal complaint filed by the Complainant regarding the above topics and erred by refusing to compel PG&E to provide a recording of the call between the Complainant and the PG&E customer service agent.

On January 13, 2026, the Commission issued an Instruction to Answer to PG&E and scheduled an ECP Hearing for February 5, 2026.

On January 14, 2026, the Complainant filed a motion requesting that the Commission: (1) compel PG&E to produce certain information related to the complaint; and (2) postpone the expedited complaint procedure (ECP) hearing until mid-March 2027. On the same day, the assigned Administrative Law Judge (ALJ) issued a ruling denying the Complainant's motion.

On February 2, 2026, the Complainant filed a motion again requesting that the Commission stay the ECP Hearing, reclassify the instant complaint from an expedited complaint to a regular complaint, schedule a prehearing conference, and compel PG&E to produce certain information related to the complaint.

Also on February 2, 2026, PG&E filed its answer to the complaint. PG&E's answer states that, at the Complainant's request, PG&E: (1) switched the Complainant to Rate EV2-A; (2) refunded the Complainant for the difference between her actual bills under the R1 Residential Rate and what her bills would have been under Rate EV2-A; and (3) applied a $200 Customer Satisfaction Credit to the Complainant's account. In its answer, PG&E asserted that the Complainant had not shown that PG&E violated any laws or regulations and requested that the Commission deny the Complainant's request for additional relief and dismiss the complaint with prejudice.

On February 3, 2026, the assigned ALJ issued a ruling denying the Complainant's motion to stay the ECP Hearing.

On February 5, 2026, the ECP Hearing was held. That same day, pursuant to the discussion at the ECP Hearing, the assigned ALJ sent a procedural email requesting that the Complainant and PG&E meet and confer to determine whether they could resolve the Complainant's outstanding concerns and file and serve an update on their process by March 9, 2026. The procedural email also contained instructions on how the Complainant can leave a public comment on the Commission proceedings regarding their complaint.

On March 9, 2026, the Complainant filed and served its Memorandum on Settlement Status and Renewed Motion to Convert to Regular Complaint. In the memorandum, the Complainant reported that settlement negotiations had reached an impasse, asserting that PG&E had not provided a satisfactory "plain English" accounting of the disputed billing adjustments, had not restored access to historical billing records, and had declined to voluntarily produce certain information sought by the Complainant, including call recordings and PG&E's Corrective Action Plan. The Complainant further renewed her request to convert the matter from an expedited complaint to a regular complaint pursuant to Rule 4.6(g) of the Commission's Rules of Practice and Procedure (Rules), arguing that discovery was necessary to resolve disputed factual issues and that the complaint raised matters of broader public interest. As part of the requested relief, the Complainant asked the Commission to deny PG&E's motion to dismiss, convert the proceeding to a regular complaint, issue a ruling regarding the parties' differing characterizations of the billing adjustments, and compel the production of certain documents and information relevant to the complaint.

This matter was submitted on March 9, 2026, upon the filing and service of the Complainant's report regarding discussions between the parties directed by the ALJ.

2. Jurisdiction and Burden of Proof

The Commission has jurisdiction over the activities of public utilities.[1] PG&E provides electric and gas service in California and is a utility subject to the Commission's jurisdiction, control and regulation.

The Complainant is a PG&E residential customer. The complaint was filed pursuant to the Rule 4.1(a).

The Complainant bears the burden of proving that PG&E violated a rule, order, law, or tariff approved by the Commission.[2] The Complainant must meet this burden by a preponderance of the evidence.

3. Issues Before the Commission

Identify issues that must be addressed and resolved in this proceeding.

1. Are the Complainant's requests concerning PG&E's service-initiation practices and related discovery requests appropriately addressed in this complaint proceeding?

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[1] Public Utilities (Pub. Util.) Code § 216(a).

[2] *In Complaint of Service-All-Tech, Inc. v. PT&T Co.* (Cal. PUC, 1977) 83 CPUC 135, Decision No. 88223 (complaint relating to the disconnection of telephone service where the court found that complainant had the burden of proof and that complainant's "failure to present any evidence present[ed] a total lack of meeting that burden"); *see also Pacific Bell Telephone Company, d/b/a AT&T California v. Fones4All Corporation* (Cal. PUC, 2008) Decision (D.) 08-04-043, 2008 Cal. PUC LEXIS 132.

2. Has PG&E remedied any financial harm alleged in the complaint, making further relief unnecessary?
3. Should the Commission grant the Complainant's requests to convert the proceeding into a regular complaint and to obtain additional procedural relief?

4. Discussion

4.1. The Only Issue Appropriately Addressed by a Complaint Is Whether the Complainant Was Overbilled

Pub. Util. Code Section 1701 describes the nature and purpose of the different categories of Commission proceedings, and the comparison of adjudicatory and quasi-legislative proceedings is relevant here.[3]

Quasi-legislative cases are "cases that establish policy, including, but not limited to, rulemakings and investigations that may establish rules affecting an entire industry," while adjudicatory cases are "enforcement cases and complaints except those challenging the reasonableness of any rates or charges."[4]

The Complainant's requested remedies each fall into one of two categories: corrective measures to remedy past utility actions (*e.g.*, switching the Complainant to their desired rate and crediting the customer account for the difference between their actual bills and what their bills would have been if they had been enrolled in the more favorable rate) and prospective policy decisions that would alter PG&E's existing practices (*e.g.*, the Complainant's request for the Commission to order PG&E to change their process to onboard new customers).

The Commission has previously described the different scope and purpose of adjudicatory and quasi-legislative proceedings. In D.07-07-020, the Commission reviewed Section 1701.1 and found that

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[3] All future references are to the Public Utilities Code unless otherwise noted.

[4] Sections 1701.1(d)(1) and 1701.1(d)(2), respectively.

> [forum] selection significantly impacts the nature, extent, and scope of the Commission's decision making inquiry, and its remedial consequences. An adjudicatory proceeding, such as the complaints, is retrospective and can trigger remedies that address violation of statute, rule, or law. In contrast, a quasi-legislative proceeding is prospective and more policy oriented.[5]

The framework described in D.07-07-020 remains applicable. Applying that framework to the issues raised in the instant complaint makes clear that, among those issues and the subsequent motions, only billing disputes are appropriate for a complaint proceeding. The Complainant's other requests are either for specific changes to PG&E's process for initiating new service or for support of that goal (*e.g.*, the request for the Commission to compel PG&E to produce the recording of the call between the Complainant and PG&E's customer service representative). Accordingly, the only remaining issues in this proceeding concern whether PG&E overbilled the Complainant. These issues are addressed in the following section.

4.2. The Complainant Was Made Whole for Any Financial Harm

Pursuant to Pub. Util. Code Section 1701.1 and Rule 1.3(a), the remaining issues for the Commission to address are: (1) whether PG&E violated "any provision of statutory law or order or rule of the Commission;"[6] and (2) if so, whether the complainant suffered any financial harm due to that violation; and (3) if so, what actions PG&E should take to remedy that financial harm.

The record indicates that PG&E has already taken the necessary measures to make the Complainant whole and has applied an additional $200 Customer

[5] D.07-07-020 at 13.

[6] Rule 1.3(a).

Satisfaction Credit to the Complainant's account. PG&E took these steps after initial conversations with the Complainant and disputed the allegation that PG&E violated any law or Commission orders. The Complainant has not disputed PG&E's statement that PG&E has resolved the Complainant's billing concerns. At the hearing held February 5, 2026, PG&E explained how it calculated and applied its billing adjustments. Those calculations are also included as attachments to the Complainant's memorandum filed March 9, 2026. It follows that this issue is moot because PG&E has taken appropriate remedial actions to resolve the billing issues. Because the Commission concludes that the Complainant has received complete monetary relief and that the remaining requests seek prospective policy changes outside the scope of this complaint proceeding, the decision need not determine whether PG&E violated Rule 12 (which governs the application of electric rates and billing under PG&E's tariff) or any other tariff provision.

Accordingly, every issue raised by the Complainant has either been resolved or falls outside the scope of a complaint proceeding.

4.3. The Complainant's Procedural Requests Are Moot

The Complainant filed two motions requesting that the Commission convert this complaint from an expedited complaint to a regular complaint. Rule 4.6 provides that an ECP may be converted to a regular complaint when the public interest so requires. In the instant proceeding conversion would not alter the scope of issues properly addressable as an ECP complaint proceeding, including the dollar amount at issue, the motions are denied.

This complaint intentionally does not address the Complainant's allegation that PG&E violated Rule 12 of its electric tariffs because the remaining motions filed by the Complainant were all in support of the goal of changing PG&E's future processes, are therefore moot, and are thus denied.

5. Conclusion

The issues raised in the instant complaint have either been fully resolved or are not appropriate for consideration in an adjudicatory proceeding. Accordingly, this decision denies all requests in the complaint and dismisses the complaint.

6. Procedural Matters

This decision affirms all rulings made by the ALJ and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

7. Comments on Proposed Decision

The proposed decision of ALJ Andrew Dugowson in this matter was mailed to the parties in accordance with Pub. Util. Code Section 311 and comments were allowed under Rule 14.3. Comments were filed on ____________________, and reply comments were filed on ____________________ by ____________________.

8. Assignment of Proceeding

Karen Douglas is the assigned Commissioner and Andrew Dugowson is the assigned Administrative Law Judge and Presiding Officer in this proceeding.

O R D E R

IT IS ORDERED that:

1. Pacific Gas and Electric Company's motion to dismiss is granted.
2. Complaint 25-12-011 is denied and dismissed.
3. All pending motions which have not been expressly resolved by the assigned Administrative Law Judge are denied.

4. Complaint 25-12-011 is closed.

This order is effective today.

Dated ______________________, at San Francisco, California.