

Decision No. 38537

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Emergency Rules and Regulations
and Practices of Gas, Electric, Telephone and
Water Utilities in the furtherance of National
Defense.

Case No. 4619

BY THE COMMISSION:

OPINION ON EIGHTH SUPPLEMENTAL ORDER

By the Seventh Supplemental Order in this proceeding (Decision No. 38418, dated November 20, 1945), the Commission proposed a form of an order in this proceeding to provide for the termination of the time extension for refunds of advances for utility line or main extensions by reason of war conditions. The time extension had originally been ordered under the Fourth Supplemental Order in this proceeding (Decision No. 36528 of July 27, 1945). As more fully set forth in the Opinion on the Fourth Supplemental Order, it was the intent that the time extension would be reasonably related to the relaxation of war controls of materials for construction that has prevented construction of new homes, and for extensions of lines and mains for services. It was also the intent that the time extension terminate at a date six months after the cessation of actual hostilities in World War II.

Because of the fact a large number of extension contracts are involved, the matter was set for public hearing and all parties to the hearings leading up to the Fourth Supplemental Order were notified. A number of letters were received which were entered into the record at the hearing on December 7 at San Francisco, all agreeing that no occasion now exists for continuing our Fourth Supplemental Order.

Most federal controls on building construction and utility extensions have now been lifted. It appears reasonable, therefore, that the Commission declare that the term of any extension contracts made after December 31, 1945 be in accordance with the regularly filed extension rule of the utility rather than in accordance with the Fourth Supplemental Order, and that March 2, 1946 be fixed as the date to which all unexpired contracts entered into prior to January 1, 1946 shall be extended by virtue of said Fourth Supplemental Order;

EIGHTH SUPPLEMENTAL ORDER

A public hearing having been held and the matter being under submission, therefore

IT IS ORDERED that:

I. The time extension period prescribed by said Fourth Supplemental Order, Decision No. 36528, and emergency rule and regulation entitled "Time Extension for Refunds of Advance Deposit Contracts," is established as ending March 2, 1946. Contracts for refunds on a gross revenue basis are extended for the same period of time, subject to the condition of paragraph 10 of the Opinion in said Fourth Supplemental Order.

II. The elapsed time to be added to time limits specified in the extension rules for refund of unrefunded advance deposits on extension contracts entered into prior to December 7, 1941 and the refund period remaining unexpired on that date shall be four years, two months, and twenty-five days.

III. The elapsed time to be added to time limits specified in the extension rules for refund of unrefunded advance deposits on extension contracts entered into between December 7, 1941 and December 31, 1945 shall be the elapsed time between the date of said contract and March 2, 1946.

IV. On or before January 31, 1946 each utility shall notify the other party or parties to the contract as to the actual time extension of said contract under the terms of the orders in this proceeding, and shall by advice letter accompanied by evidence of notification, request cancellation of said emergency rule and regulation, to become effective March 2, 1946.

For all other purposes, the effective date of this Supplemental
Order shall be the date hereof.

Dated at San Francisco, California, this 14th day of
December, 1945.

CERTIFIED AS A TRUE COPY

Secretary, Railroad Commission,
of the State of California.

David Anderson

Francis Brown
James F. ...
Harold Hulse

COMMISSIONERS.