

ORIGINALDecision No. 52711

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CARL A. PLUNKETT and
HAROLD A. DIEMERT,

Complainants,

vs.

PARK WATER COMPANY, INCORPORATED,

Defendant.

Case No. 5587

ORDER MODIFYING DECISION NO. 52530,
BUT OTHERWISE DENYING REHEARING

Defendant Park Water Company, Incorporated, on February 10, 1956, filed a petition for rehearing of that portion of Decision No. 52530, dated January 31, 1956, which appears in paragraphs (2) and (3) of the Order. Paragraph (2) of the Order declares defendant Park Water Company to be a public utility water corporation, as defined in the Public Utilities Code, with respect to the area shaded blue on Exhibit 2 in this proceeding. The area in question which is shaded blue includes, but is not limited to, the premises where the complainants receive water service from defendant. Paragraph (3) requires the defendant to amend its presently filed tariffs to provide for the inclusion of the additional area as defined in paragraph (2) of said order. The defendant is technically correct in taking the position that paragraphs (2) and (3) of the said Order are in some respects beyond the scope of the proceedings herein, and they will be deleted. However, it was implicit in the decision that the Commission found the defendant, in its capacity as a public utility, to have connected its water system

to the properties of the complainants, for the purpose of furnishing them water as a public utility service. That was the basis of the Commission's jurisdiction in ordering in paragraph (1) the refund of money as having been collected in violation of defendant's public utility rules and regulations.

Defendant is reminded that it is under a continuing duty to comply with General Order No. 96, and in accordance with its provisions to make whatever amendments to its tariffs may be necessary and appropriate.

Good cause appearing, IT IS HEREBY ORDERED:

(1) That Decision No. 52530 be and hereby is modified by deleting from the Order thereof paragraphs (2) and (3).

(2) That in all other respects the within petition for rehearing shall be and hereby is denied.

Dated at San Francisco, California, this 13th day of March, 1956.

John E. McMillan
President
Justin F. Caswell
Ralph L. Luterer
Walter D. Decker
B. Hardy
Commissioners