

BT

ORIGINAL

Decision No. 54441

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AL ANDERSON,

Complainant,

vs.

YUCCA WATER COMPANY, LTD., a
corporation,

Defendant.

Case No. 5516

Investigation on the Commission's own
motion into the operations, practices,
contracts, rules, regulations, charges,
and service of Yucca Water Company,
Ltd., a public utility water corpora-
tion, operating in Yucca Valley, San
Bernardino County, California.

Case No. 5518

Application of Yucca Water Company,
Ltd., a California corporation, for
a certificate of public convenience
and necessity, to extend its water
service and system to additional
areas.

Application No. 35274

In the matter of the application of
AL ANDERSON for a certificate of
public convenience and necessity for
the operation of a water system as a
public utility, San Bernardino
County, California.

Application No. 36203

Gibson, Dunn & Crutcher by Max Eddy Utt, for
Al Anderson, complainant in Case No. 5516,
applicant in Application No. 36203, and
interested party in Case No. 5518 and
Application No. 35274.

John E. Sisson for Yucca Water Company, Ltd.,
respondent in Cases Nos. 5516 and 5518,
applicant in Application No. 35274, and
protestant in Application No. 36203.

Reginald H. Knaggs for the Commission staff.

O P I N I O N

By Decision No. 52021, dated October 4, 1955, this Commission declared the Yucca Water Company, Ltd., to be a public utility in certain areas outside of its presently certificated area and ordered the company and its officers and directors "to submit to this Commission within ninety days after the effective date of this order a complete list of all of the customers served outside of the service area authorized by Decision No. 39919, dated January 28, 1947, in Application No. 27592, which list shall include the amounts of money paid by these consumers to secure water service, and to whom paid; the amounts charged for meter connections, and to whom paid; and the rates charged for such water service, and to whom paid." Pursuant thereto, the Yucca Water Company, Ltd., filed a list of all its customers and thereon set out the installation costs, service connection charges, if any were made, and the date water service was installed for each customer.

A further public hearing was held on October 16, 1956, in Los Angeles before Examiner Grant E. Syphers and testimony was presented relative to these charges.

Exhibit No. 1, received in evidence, is a copy of the list submitted by the company which, according to the testimony, contains all the installation charges made by the company both within its certificated area and within areas outside thereof to which it has supplied service.

The first ten pages of Exhibit No. 1 contain a list of the connection charges paid to Yucca Water Company, Ltd., during the period from 1947 through December 31, 1953. The total collections for this period amount to \$4,662. The evidence

further shows that the company has made no service connection charges since December 31, 1953. An analysis of these charges indicates that they are not authorized by the filed tariffs of the Yucca Water Company, Ltd. Specifically, Rule 16 of the tariff of this company states that the "utility will, at its own expense, furnish and install a service connection ..."

Pages 12 and 13 of Exhibit No. 1 show the charges paid to Storey and/or Jurling for installation of various pipelines in the area, as well as certain service connections made to the customers concerned. The contention of the company in connection with these payments was the same as it previously made in the hearings in this matter. It should be noted that the Commission, by Decision No. 52021, supra, found that these were transactions of the water company rather than of any individuals concerned. The evidence shows that the installation costs for the installations concerned amounted to \$7,483.71, whereas the amounts paid to Storey and/or Jurling by the various water users were slightly less, amounting to \$7,257.89. This latter amount, therefore, has been paid to the utility by the users, and is, in effect, an unauthorized charge which should be refunded.

In the light of this record we find that the service connection charges in the amount of \$4,662 and the installation charges of \$7,257.89 should be refunded on some equitable basis, and the ensuing order will so provide.

We are aware of the financial condition of this company and of the fact that it may not have the immediate assets to repay these charges. Therefore, the ensuing order will give this company an opportunity to submit a plan to effectuate such payment over a reasonable period of time.

O R D E R

This Commission having issued Decision No. 52021, dated October 4, 1955, and therein having directed Yucca Water Company, Ltd., to file certain lists of charges, the filings having been made, a public hearing having been held thereon, and good cause appearing,

IT IS ORDERED that:

(1) Yucca Water Company, Ltd., be and it is hereby directed to refund the charges for service connections in the amount of \$4,662, and the charges for installations in the amount of \$7,257.89, as detailed in Exhibit No. 1, said refunds to be made in accordance with a plan to be submitted by the company and approved by the Commission.


(2) Within ninety days after the effective date of this order the Yucca Water Company, Ltd., shall submit to this Commission a plan for the making of these refunds.


(3) If a satisfactory plan is not submitted, then the Commission may take further action in this matter.


(4) Interim Decision No. 52021 is affirmed, and, except as to the relief granted thereby and by this decision, Case No. 5516 is dismissed.


The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 29th day of JANUARY, 1957.



President






Commissioners