

Decision No. 55413**ORIGINAL**

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

ORDER MODIFYING DECISION NO. 50441  
AND DENYING PETITION FOR REHEARING

In its petition for rehearing Yucca Water Company, Ltd., a corporation, again urges that payments made by individual water users to officers of the corporation for installation of main extensions and services were made to the officers in their individual capacities and not in any representative capacity. This contention was raised heretofore by defendant and settled in

Decision No. 52021 (54 Cal. PUC 441), which was affirmed by Decision No. 52316 in an opinion and order denying rehearing (54 Cal. PUC 525). These decisions have long since become final.

Decision No. 54441 herein found that the users paid the utility unauthorized charges for service connections in the sum of \$4,662; it further found that the sum of \$7,257.89, was an unauthorized charge for main extensions and that it should be refunded. It ordered the utility to submit to the Commission within ninety days after the effective date of the decision a plan for the making of such refunds. In its petition for rehearing or modification, petitioner urges for the first time that its tariff Rule 19, which was applicable at the time of collection of such charges for main extensions, should be controlling in the making of refunds. At that time, said tariff Rule and Regulation No. 19 was as follows:

"For a period not exceeding ten years from the date of completion of the main extension, the Company will refund to the depositor, or other party entitled hereto, annually, 35% of the gross revenues collected from consumer or consumers occupying the property to which the said extension has been made; provided, however, that the total payments thus made by the Company shall not exceed the amount of the original deposit without interest."

Although it still urges that it has no obligation to refund such contributions at all, it nevertheless relies upon its tariff rule in petitioning that the Commission modify or rescind its order for their repayment so as to allow petitioner to take advantage of the refund provisions of Rule 19. It appears to the Commission that defendant company should be allowed to make such refunds of monies collected for main extensions in the same manner as if defendant had collected them in conformity with its applicable main extension rule.

With regard to the charges for meters and service connections in the sum of \$4,662, defendant's tariff rules contained

the provision that the utility would, at its own expense, furnish and install service connections and meters. Any charge therefor is contrary to the tariff rules. Defendant's contention that the area "remains and is uncertified to Yucca Water Company" and that therefore its tariff rules are inapplicable is without merit. Decision No. 52316 (54 Cal. PUC 525) has finally disposed of this contention. Decision No. 54441 will be affirmed with respect to the refunding of charges for service connections.

O R D E R

Good Cause Appearing, it is ordered that:

(1) Yucca Water Company, Ltd. be and it is hereby directed to refund the amount of \$4,662.00, the charges for service connections as detailed in Exhibit No. 1 in the above proceeding, said refunds to be made in accordance with a plan to be submitted by the company within thirty days after the effective date hereof;

(2) Yucca Water Company, Ltd., be and it is hereby directed to refund the charges for main extensions as detailed in said Exhibit No. 1, said refunds to be made in accordance with petitioner's tariff Rule and Regulation No. 19, which was applicable at the time such advances for main extensions were made;

(3) Except as to the modifications contained herein, said petition for rehearing and/or modification is hereby denied.

Dated at San Francisco California, this 21<sup>st</sup> day of

AUGUST, 1957.

*W. E. [Signature]*  
 President

*[Signature]*

*[Signature]*

*[Signature]*

Commissioners