

amended certain portions of Decision No. 54708 and ordered that in all other respects the said decision should remain in full force and effect. The tariff schedules, including the rates authorized by Decision No. 54708, were filed and have been in effect since July 27, 1957.

On December 24, 1958, Twin Lakes Property Owners, Inc., filed another complaint, Case No. 6213, in which reference is made to the Commission's decisions in the prior proceeding. In addition to certain allegations and other requests, the complainant asks in effect that the rates for water service be revised downward.

A public hearing on Case No. 6213 was held before Examiner E. Ronald Foster in Los Angeles on April 30, 1959, at which time some evidence was adduced and the matter continued for further hearing at a time to be set.

Certain motions were made at the hearing and were taken under advisement. Counsel for complainant moved that the Commission reopen Case No. 5736 for further consideration toward the end of amending or modifying the orders issued therein, including the matter of the level of water rates. Under Section 1702 of the State Public Utilities Code such a complaint may not be entertained by the Commission as to the reasonableness of any rates or charges unless it is signed by certain officials of a public body or by not less than 25 actual or prospective consumers of the service concerned. In the case of both of the above-entitled matters, each complaint was signed only by an officer of the Twin Lakes Property Owners, Inc., a non-profit corporation, which is an organization of the property owners in the area served by the utility and many of whom are customers thereof. The Commission can entertain, in Case No. 6213, a complaint with respect to the reasonableness of the

defendant's rates or charges only if the complaint is amended by the addition of the signatures of at least 25 present or prospective consumers of the water service offered by the utility. Counsel for complainant asked for continuance of the matter to allow time to prepare and file such an amendment, there being only some 15 customers present at the hearing.

Thereupon, counsel for defendant^{1/} moved that the Commission reopen Case No. 5736 for the purpose of revising the rates for water service as established by the Commission's decisions therein. If the defendant desires authority to increase its rates, a request for such authority will be considered by the Commission only upon the filing by the utility of an appropriate application therefor, and upon proper and adequate showing by the utility in support thereof.

It appears, however, that the matters as to service complained about in the more recent Case No. 6213 are directly related to those dealt with in the former Case No. 5736 and that there may be some question as to compliance by the utility with the requirements set forth in the Commission's prior decisions in Case No. 5736. Therefore, it appears desirable to reopen Case No. 5736 for the limited purpose of inquiring into those matters.

Wherefore, the motion of complainant's counsel to reopen Case No. 5736 will be granted for consideration as to service and related matters other than the level of rates.

^{1/} William E. Lawrence is president and principal stockholder of Twin Lakes Park Company.

If the defendant should, within a reasonable time, file an application for an increase in rates, such an application may be consolidated with the complaint proceedings for purposes of a public hearing and decision thereon.

Accordingly, the motion of defendant's counsel to reopen Case No. 5736 will be denied.

Therefore, good cause appearing,

IT IS ORDERED that:

1. Case No. 5736 be, and it hereby is, reopened for further hearing by the Commission upon the question of service and related matters, other than the level of rates, and for the purpose of determining whether Decisions No. 54708 or No. 55625 issued therein should be in any way amended, rescinded or modified.

2. The motions of complainant and of defendant in Case No. 6213 to reopen Case No. 5736 be, and they hereby are, denied so far as they request a reconsideration and revision of the rates established by the Commission's Decision No. 54708, dated March 26, 1957, issued therein.

3. Case No. 5736 shall be consolidated with Case No. 6213 for further hearing to be held before Examiner E. Ronald Foster or before such other examiner or such commissioner at such time and place as shall be hereinafter designated, and thereafter issuing such decision or decisions as may be appropriate in the premises.

The Secretary is directed to cause a certified copy of this order to be mailed forthwith to each of the parties of record in Case No. 5736 and Case No. 6213.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 19th day of May, 1959.

B. L. Fox
President

W. E. Mitchell

Theodore Jenner

Commissioners

I concur

Matthew J. Dooley
Matthew J. Dooley, Commissioner
Date MAY 20 1959

Commissioner Everett C. McKeago, being necessarily absent, did not participate in the disposition of this proceeding.