

ORIGINAL

Decision No. 60463

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SYDLO BUILDING CORPORATION,
LOUIS LESSER ENTERPRISES, LTD.,
LESSER INDUSTRIAL PROPERTIES, LTD.,

Complainants,

vs.

Case No. 6471

SUBURBAN WATER SYSTEMS, a
corporation,

Defendant.

Gerald A. Malat, attorney, for complainants.
Arthur D. Guy, Jr., attorney, and John C. Luthin, vice-president and manager, for defendant.
Earl W. Grow, engineer, for the Commission Staff.

O P I N I O N

Sydlo Building Corporation, Louis Lesser Enterprises, Ltd., Lesser Industrial Properties, Ltd., complainants, filed the above-entitled complaint on May 2, 1960, against Suburban Water Systems, a public utility water company, alleging that the defendant had overcharged for construction of water facilities for Tract No. 25349, Los Angeles County. The complaint was answered by the defendant on June 3, 1960.

A public hearing was held before Examiner Stewart C. Warner on June 22, 1960, at Los Angeles.

Complainants alleged that they were in the process of developing and subdividing certain real property located at and in the vicinity of Wedgwood Drive and Flamstead, South La Puente, Los Angeles County; that complainants were contemplating building 303 houses on said property; that in the first tract, which is Tract No. 25349, 106 units would be built; that on October 1, 1959, the defendant informed complainants that the cost of providing water facilities for said 303 houses would be approximately \$92,226; and that on or about January 29, 1960, the defendant informed complainants that the estimated cost for the water system installation in Tract No. 25349 would be \$34,402.50, payable in advance by the complainants according to defendant's main extension rule and subject to refund pursuant to said rule.

Complainants alleged that defendant's plans for Tract No. 25349 provided for the installation of 12-inch A.C. pipe running 1610 lineal feet north on Flamstead into Glenelder Avenue, and that such 12-inch pipe-line installation was of an excessively large size to serve complainant's 106-house development.

Complainants asked the Commission to order defendant to refund to complainants the difference between what it has charged for construction of the water facilities for Tract No. 25349 and what is the fair and reasonable cost for such construction work.

At the hearing defendant moved that the complaint be dismissed on the grounds that the actual cost of construction of facilities in the first unit had not yet been fully ascertained

inasmuch as the work is still incomplete; that no statement of actual costs was as yet ascertainable; that no statement or invoice had been submitted to complainants; and that, therefore, the complaint was premature.

Counsel for complainants admitted that no such statement or bill had been rendered by the defendant, but expressed concern that a proper adjustment would not be made by the defendant pursuant to its rules.

Findings and Conclusions

The filing of the complaint, prior to the receipt by the complainants of a statement of actual reasonable costs of the water system installation in Tract No. 25349, is premature; therefore, the complaint should be dismissed without prejudice.

O R D E R

Complaint as above entitled having been filed, a public hearing having been held, a motion to dismiss the complaint having been made by the defendant, said motion having been submitted and now being ready for decision,

IT IS HEREBY ORDERED that the complaint be and it is dismissed without prejudice.

Dated at San Francisco, California,
this 2nd day of August, 1960

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners