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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RALPH B. ROBBINS,

Complainant,

vs.

DYKE WATER COMPANY, a corporation,

Defendant.

Case No. 7289
(Filed April 9, 1962)
(Amended June 12, 1962)OPINION AND ORDER

Complainant is the assignee of three water main extension agreements entered into with Dyke Water Company,¹ which agreements provide, among other things, for the refunding of advance payments made for construction of water mains in Tracts Nos. 2416, 2419 and 2519, Orange County, on the basis of 22 percent of the gross revenues collected by Dyke from the water consumers in said Tracts Nos. 2416 and 2419 and 35 percent of revenues in Tract No. 2519. The refund payment, in each instance, is made annually in July and covers the immediately preceding 12-month period. With respect to these agreements, gross revenues of \$9,523.63 were received by defendant from the consumers in these tracts during the 1960-1961 period and defendant admits that in July 1961 \$2,216.41 were due complainants in accordance with the terms of

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Hunting Enterprises, agreement dated December 27, 1955.
B. S. F. Builders, Inc., two agreements dated July 28, 1955.

the agreements.² Defendant further admits that the payments due in July 1961 have not been made.

The contracts which give rise to the causes of action herein were entered into in conformity with the filed main extension rule of Dyke water or as authorized and directed by this Commission's Decision No. 61642, said rule being a part of defendant's tariffs on file with this Commission.

The Commission finds as a fact that Dyke Water Company has obligated itself by contract and by the provisions of its filed tariffs to make refund to complainant of the total amount of \$2,216.41 as of July 1961 on duly executed refund contracts of which complainant is the assignee.

In view of the pleadings, and the stipulations of counsel entered at a prehearing conference held before Examiner F. Everett Emerson on September 12, 1962, at Los Angeles, respecting the assignee status of complainant and acknowledging the indebtedness hereinabove described, the Commission finds that public hearing in the matter is not necessary.

Good cause appearing therefor,

IT IS ORDERED that Dyke Water Company, a California corporation, be and it is hereby directed to comply with its Main Extension Rule No. 15, and this Commission's Decision No. 61642,

² The amounts, separately stated, are as follows:

Tract No. 2416:	Gross \$2,896.92;	Refund \$ 637.32
Tract No. 2419:	Gross 5,686.20;	Refund 1,250.96
Tract No. 2519:	Gross 937.51;	Refund 328.13

and its contract obligations and to make refund payment forthwith to Ralph B. Robbins in the amount of \$2,216.41.

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

Dated at San Francisco, California, this 16th day of OCTOBER, 1962.

George F. Grover
President
John D. ...
E. ...
Cecil ...
Fredrick B. ...
Commissioners