

ORIGINALDecision No. 64390

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FINANCIAL PLACEMENTS, INC.,

Complainant,

vs.

DYKE WATER COMPANY,

Defendant.

Case No. 7331
(Filed May 8, 1962)
(Amended August 29, 1962)OPINION AND ORDER

Complainant is the assignee of an agreement between Banner Development Company and Dyke Water Company, entered into on February 2, 1955, which agreement by its terms provides, among other things, for the refunding of advance payments made for construction of water mains in Tract No. 2081, Orange County, on the basis of 35 percent of the gross revenues collected by Dyke from the water consumers in said tract. The refund payment is made annually in July and covers the immediately preceding 12-month period. Neither the payment due in July 1961 nor the payment due in July 1962 has been made. Defendant admits that \$1,118.79 were due in July 1961 and that \$1,111.92 were due in July 1962.

The contract which gives rise to the cause of action herein was entered into in conformity with the filed water main extension rule of Dyke Water Company in effect at the time of the execution thereof, 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 amounts hereinabove set forth, which amounts total \$2,230.71 on a duly executed refund contract 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, 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 in effect on February 2, 1955, and its contract obligations and to make refund payment forthwith to Financial Placements, Inc., in the amount of \$2,230.71.

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 J. Hoover
President

[Signature]

[Signature]

[Signature]

Fredrick B. Hobloff
Commissioners