

ORIGINAL

Decision No. 64465

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

OLIVER EWING, FRED W. JEFFERSON,)
 JOHN G. ALGIER, WILLIAM LYON and)
 LEON LYON,)
)
) Complainants,)
)
 vs.)
)
) DYKE WATER COMPANY,)
)
) Defendant.)

Case No. 7273
(Filed January 22, 1962)

OPINION AND ORDER

Complainants are the assignees of certain percentage interests in an agreement between Dutch Haven Homes, Inc., and Netherland Homes, Inc., and Dyke Water Company entered into on August 24, 1956, which agreement provides, among other things, for the refunding of advance payments made for the construction of water mains in Tract 1567, Orange County, on the basis of 22 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.

Complainants' assignments are as follows:

John G. Allgier	1.3334 percent
Oliver Ewing	.8335 percent
Fred W. Jefferson	.8335 percent
William Lyon	48.4998 percent
Leon Lyon	48.4998 percent

Defendant admits that refund payments covering the period 1960-1961, in the total amount of \$600.31 for said Tract 1567, are due and are as yet unpaid. The respective entitlements of complainants are \$8.01 for Allgier, \$5.00 for Ewing, \$5.00 for Jefferson, \$291.15 for William Lyon and \$291.15 for Leon Lyon.

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, 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 complainants of the amounts hereinabove set forth on a duly executed contract of which complainants are assignees as above stated.

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 August 24, 1956, and its contract obligations pertaining thereto and to make refunds forthwith to John G. Allgier in the amount of \$8.01, to Oliver Ewing in the amount of \$5.00, to Fred W. Jefferson in the amount of \$5.00, to William Lyon in the amount of \$291.15 and to Leon Lyon in the amount of \$291.15.

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

Dated at San Francisco, California, this 30th day of OCTOBER, 1962.

George H. Grover
President
[Signature]
[Signature]
Frederick B. Hallock
Commissioners