

ORIGINALDecision No. 64466

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MORIS MAIMONI,

Complainant,

v.

DYKE WATER COMPANY, a corporation,
Defendant.Case No. 7337
(Filed May 9, 1962)
(Amended August 22, 1962)OPINION AND ORDER

Complainant is the assignee of a 3½ percent interest in three agreements between Henry C. Cox and Dyke Water Company, each entered into on March 27, 1953, which agreements provide, among other things, for the refunding of advance payments made for the construction of water mains to serve 71 units in Tract 1715, 45 units in Tract 2076 and 44 units in Tract 2076, Orange County, on the basis of \$1.25 per domestic user per month of revenues collected by Dyke from water consumers in said tracts. The refund payment is made annually in July and covers the immediately preceding 12-month period.

Defendant admits that the refund payments due in July 1961 and July 1962 have not been made and that the amounts due are as follows:

<u>Tract</u>	<u>July 1961</u>	<u>July 1962</u>
1715 (71 units)	\$36.91	\$36.61
2076 (45 units)	23.56	23.41
2076 (44 units)	23.04	22.75

The contracts which give rise to the causes of action herein constitute deviations from the regular main extension rule of Dyke Water Company which deviations have heretofore been authorized

by this Commission's Decision No. 61642 in Application No. 42454. Further, by said decision, the Commission directed Dyke Water Company to carry out the terms and conditions of each of the above-identified agreements.

The Commission finds as a fact that Dyke Water Company is obligated by contract and by the aforesaid decision to make refunds to complainant of the amounts hereinabove set forth, to a total of \$166.28 on duly executed refund contracts of which complainant is the assignee 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 contract obligations and the aforesaid Decision No. 61642 and to make refund payment forthwith to Moris Maimoni in the amount of \$166.28.

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 J. Hoover President
[Signature]
[Signature]
[Signature]
Fredrick B. Holbrook Commissioners