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ORIGINAL

Decision No. 64494

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GEORGE HOFFMAN, dba Hoffman Brothers Builders, Complainant, vs. VISTA DEL CAMINO CO., a corporation, Defendant.	)	Case No. 7380

Richard M. Schnal, for complainant.
Thomas K. Perry, for defendant.
George C. Doran, for the Commission staff.

O P I N I O N

This is a complaint proceeding in which a subdivider seeks an order directing a public utility water company to refund $585 in accordance with a main extension agreement entered into between the parties.

A duly noticed public hearing was held in this matter before Examiner Donald B. Jarvis, at Carmel, on September 12, 1962, and the matter was submitted on that date.

Based upon the evidence of record in this proceeding the Commission makes the following findings and conclusions:

Findings of Fact

1. Defendant is a public utility water corporation subject to the jurisdiction of this Commission.

2. Complainant and defendant entered into a main extension agreement on May 24, 1961. The copy of said agreement attached to the complaint as Exhibit A is a true and correct copy of the agreement.

3. Said main extension agreement was prepared by defendant.

4. The terms of said main extension agreement are in accordance with the main extension rule promulgated by this Commission in Decision No. 50580, Case No. 5501, and Rule 15 of defendant's tariff.

5. Said agreement provided that the defendant would use the proportionate cost method for refunding advances made by complainant.

6. On or about May 24, 1961, complainant deposited the sum of $1,650 with defendant.

7. Under the proportionate cost method, the amount of refund per connection for each bona fide customer here involved is $195.

8. On or about June 14, 1961, four services were directly connected to an extension constructed by defendant to serve bona fide customers in the subdivision constructed by complainant.

9. More than 180 days have elapsed since the making of said connections.

10. Defendant has paid to complainant the sum of $195 as a refund for one of said connections.

11. Defendant has failed to refund the sum of $585 for three of said connections.

Conclusions of Law

Defendant should be ordered to refund to plaintiff the sum of $585.

O R D E R

IT IS ORDERED that within ten days after the effective date of this order, defendant Vista Del Camino Co., a corporation, shall refund to complainant, George Hoffman, the sum of five hundred eighty-five dollars and shall notify this Commission in writing,

within ten days thereafter, of the date of such refunding.

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

Dated at San Francisco, California, this 7th day of NOVEMBER, 1962.

George G. Grover
President

Commissioners