

ORIGINAL

Decision No. 69842

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

D. A. Horton,
 Complainant,
 vs.
 Cowan Heights Water Company,
 a corporation,
 Defendant.

Case No. 8219
 (Filed July 8, 1965)
 (Answered July 26, 1965)

Hugh L. Wright, for complainant.
Frank R. O'Neill, for defendant.

O P I N I O N

D. A. Horton, an individual, complains that Cowan Heights Water Company, defendant, due to his misunderstanding of his water bills and, while said misunderstanding was referred to this Commission pursuant to defendant's rules, and while he refused to pay bills for water service pending clarification of his misunderstanding, removed his water meter, disconnected his water service, and assessed him a fine of \$150 for allegedly interfering with its water service connection facilities, plus a \$2.50 reconnection charge. He seeks an order that defendant be required to comply with its rules; maintain full and satisfactory water service to him; reconnect his water meter, which he claims he owns, having paid defendant's predecessor, a mutual water company, the sum of \$142.30 for the meter, or, in

the alternative, reimburse him in said amount; reimburse him the \$150 fine and \$2.50 reconnection charge; and reimburse him for the difference between rates actually charged him and a fair and equitable rate that should have been charged in view of his ownership of the meter.

Defendant admitted most of the allegations, but stated that it had at all times adhered to its tariffs.

Public hearing was held before Examiner Warner on September 13, 1965, at Orange.

The record contains 39 exhibits submitted by complainant, including copies of his canceled checks and extensive correspondence between him, defendant, and the Commission staff.

It is clear that defendant failed to adequately and clearly advise complainant of its rules and rates and of the bases for its charges and actions. It likewise failed to advise the Commission staff properly of these matters. As a result, complainant acted on his own, with the result that defendant disconnected his water service over a weekend, without sufficient advance notice.

We find no provision in defendant's tariff for the \$150 fine and we find that complainant's water service was disconnected unreasonably and the reconnection charge was unreasonably assessed. Defendant's rates for water service authorized by this Commission make no distinction for service rendered through a customer-owned meter or a meter owned by defendant. In the setting of defendant's rates, meters owned by customers or contributed to defendant have not been included in the rate base for the fixing of defendant's rates. It is optional to defendant whether water service is

provided through a customer-owned meter or a meter owned by it, and no adjustment to charges for water service is warranted herein.

We conclude that defendant should be directed to reimburse complainant for the \$150 fine and the \$2.50 reconnection charge, plus 6 per cent interest to date, but that in all other respects the complaint should be dismissed.

O R D E R

IT IS ORDERED that:

1. Cowan Heights Water Company shall, within five days after the effective date hereof, reimburse D. A. Horton, complainant herein, the sum of \$152.50, plus 6 per cent per annum interest thereon from February 24, 1965 to date of refund, and shall, within five days thereafter, report to the Commission in writing its compliance herewith.

2. In all other respects the complaint is dismissed.

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

Dated at San Francisco, California, this 26th day of OCTOBER, 1965.

Fredrich B. Helehoff President
George F. Prover
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Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.