

**ORIGINAL**

Decision No. 70195

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GOLCONDA UTILITIES COMPANY,  
a corporation,

Complainant,

vs.

UNITED STATES CREDIT BUREAU, INC.,  
a corporation,

Defendant.

Case No. 8285  
(Filed October 18, 1965)

ORDER OF DISMISSAL

Complainant Golconda Utilities Company (GUC) seeks an order directing defendant United States Credit Bureau, Inc. (USCB) to return certain funds to GUC.

GUC alleges, and USCB admits, that in August and October of 1965 a total of \$354 was removed from GUC's bank account and turned over to USCB. The answer filed by USCB states that the attachment of and payment from GUC's bank account resulted from a judgment against GUC by the Municipal Court of the Los Angeles Judicial District.

GUC contends that the funds received by USCB were utility property used, useful and necessary to GUC in its service to the public. GUC apparently bases its request herein upon Section 851 of the Public Utilities Code of the State of California, which provides, among other things:

"No public utility . . . shall sell, lease, assign, mortgage, or otherwise dispose of or encumber the whole or any part of its . . . line, plant, system, or other property necessary or useful in the performance of its duties to the public, . . . without first having secured from the commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, . . . made other than in accordance with the order of the commission authorizing it is void."

The question before the Commission is whether money in a utility's bank account is "line, plant, system, or other property necessary or useful in the performance of its duties to the public," within the meaning of Section 851. Such interpretation obviously is unsound. For example, it would require a Commission order authorizing the honoring of each check drawn on a utility's commercial bank account. We find that GUC has not stated a valid basis for any action by the Commission. We conclude that the complaint should be dismissed.

IT IS ORDERED that Case No. 8285 is dismissed.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of JANUARY, 1966.

Frederick B. Holdhoff  
President

John E. Mitchell

George G. Chover

Augusta

William W. Bennett  
Commissioners