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ORIGINAL

Decision No. 71389

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HARRY SCHUMACHER, Complainant, vs. CITIZENS UTILITIES CO. OF CALIFORNIA, a corporation, Defendant.	Case No. 8447 (Filed June 16, 1966)

Harry Schumacher, on his own behalf, complainant.
Claude N. Rosenberg of Bacigalupi, Elkus, Salinger & Rosenberg, for Citizens Utilities Company of California, defendant.

O P I N I O N

Harry Schumacher, by this complaint, alleges that there was assessed against him a discontinuance charge for water service to his property in Guerneville and to his property in Rio Nido although his water service actually had not been disconnected by defendant Citizens Utilities Company of California, hereinafter called Citizens, and that subsequently the two services were actually discontinued by Citizens when he failed to pay the first discontinuance charges. Schumacher requests that the Commission cancel Citizens' charges for discontinuing his water service and order that Citizens immediately return the water service to the properties in question.

Citizens filed its answer on June 30, 1966, alleging as follows:

1. Citizens has two accounts for water service with Schumacher, Account No. 26-0050-0 (hereinafter referred to as

Account No. 1 or Guerneville Service) and Account No. 28-0188-0 (hereinafter referred to as Account No. 2 or Rio Nido Service).

2. When Schumacher failed to pay amounts due and billed for water service, pursuant to filed Rule 11B1, service was disconnected in Account No. 1 on February 23, 1966, and service was disconnected in Account No. 2 on February 24, 1966.

3. On February 28, 1966 Schumacher paid to Citizens the amounts of the bills rendered (without the addition of any reconnection charges) and service to each of the accounts was thereupon reconnected.

4. On March 11, 1966 defendant billed Schumacher in the sum of $2.50 for the reconnection charge in Account No. 1 and in the sum of $2.50 for the reconnection charge plus $.48 for water consumption in Account No. 2.

5. In accordance with filed Rule 11B1, on April 26, 1966 service in each account was discontinued because of Schumacher's continued failure to pay the outstanding bills rendered as aforesaid.

6. On May 30, 1966, Citizens ascertained that the valve on the meter in Account No. 1 had been opened without the knowledge or consent of Citizens and some water had been used from said service, whereupon the meter was removed.

7. Schumacher is indebted to Citizens as follows:

Account No. 1	Reconnection charge	$2.50
	Water consumption per reading of May 11	.24
	Additional water consumption per meter reading of May 30	.24
	Total	$2.98

Account No. 2	Reconnection charge	$2.50
	Water consumption per reading of May 11	.48
	Total	$2.98

Public hearing was held in San Francisco before Examiner Cline on August 5, 1966. The matter was taken under submission upon the filing of copies of Exhibits 1 and 2 by Citizens on August 8, 1966.

The Commission finds as follows:

1. The records of Citizens show that Citizens disconnected the Guerneville service on February 23, 1966, reconnected it on February 28, 1966, again disconnected it on April 26, 1966, and removed the meter on May 31, 1966.

2. The records of Citizens show that Citizens disconnected the Rio Nido service on February 24, 1966, reconnected it on February 28, 1966, and again disconnected it on April 26, 1966.

3. For each claimed disconnection of the service at the Guerneville property and at the El Nido property of Schumacher, Citizens had billed Schumacher and had given him proper notices for the disconnection of the services pursuant to its tariffs.

4. Although Schumacher disputed the amount of the bills for service at the time of alleged second disconnection of service he made no deposits of the amounts of the disputed bills with the Commission.

5. The services actually were not disconnected on February 23 and 24, 1966, respectively, and hence were not reconnected on February 28, 1966, but both services were actually

disconnected on April 26, 1966, and the meter at the Guerneville service was actually removed on May 31, 1966.

6. Such actual disconnections of service on April 26, 1966 and removal of the meter on May 31, 1966, were all in accordance with the provisions of Citizens' tariffs pertaining to nonpayment of disputed bills.

7. As of May 30, 1966, Schumacher owed Citizens the sum of $.48 for water service and nothing for the reconnection charge on Account No. 1 for the Guerneville service.

8. As of May 11, 1966, Schumacher owed Citizens the sum of $.48 for water service and nothing for the reconnection charge on Account No. 2 for the Rio Nido service.

Based upon the foregoing findings of fact the Commission concludes that:

1. Schumacher owes Citizens nothing for reconnection charges for the alleged reconnections of service on February 28, 1966.

2. Citizens is not required to reinstall its meter and reconnect Schumacher's Guerneville service pursuant to its tariff until amounts due on Account No. 1 are paid by Schumacher.

3. Citizens is not required to reconnect Schumacher's Rio Nido service until amounts due on Account No. 2 are paid by Schumacher.

O R D E R

IT IS HEREBY ORDERED that:

1. Citizens Utilities Company of California shall cancel (a) the $2.50 charge for reconnection of the Guerneville service on February 28, 1966, entered on its Account No. 26-0050-0 with

Harry Schumacher, and (b) the $2.50 charge for reconnection of the Rio Nido service on February 28, 1966, entered on its Account No. 28-0188-0 with Harry Schumacher.

2. Except to the extent that relief is granted in ordering paragraph 1, the complaint herein is dismissed.

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

Dated at San Francisco, California, this 11th day of OCTOBER, 1966.

President

Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.