

ORIGINAL

Decision No. 75073

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Robert Alameda Company,
 Complainant,
 vs.
 California Water Service Company,
 a corporation,
 Defendant.

Case No. 8835
 Filed August 16, 1968

Joseph Bloom, for complainant.
A. Crawford Greene, Jr., for defendant.
Sam E. Winegar, for the Commission staff.

OPINION AND ORDER

Complainant Robert Alameda Company seeks an order directing defendant to refund alleged overcharges.

Public hearing was held before Examiner Catey at Salinas on November 12, 1968. At the outset, counsel for complainant and defendant were afforded an opportunity to discuss their differences off the record and limit the issues to be resolved. Although the parties did not reach agreement on the issues, they did arrive at a settlement which each recommends be authorized by the Commission. The matter was submitted, without receipt of supporting evidence, on November 12, 1968.

Complainant and Defendant

Complainant is a corporation with certain of its facilities located at Grainger Street Shed No. 11, Salinas. It receives water service at that location from defendant.

Defendant is a corporation engaged in the public utility water business in various districts in California. Its Salinas district tariff area includes Grainger Street Shed No. 11.

Position of Complainant

Complainant contends that defendant's water meter serving Grainger Street Shed No. 11 was defective and inaccurate during the period from August 11, 1967 through September 22, 1967; that the amounts charged by defendant and paid by complainant covering that period were excessive, and that defendant should refund any overcharges.

Complainant, in its pleading, presented a summary of bills covering the period from April 1966 through February 1968. This summary shows that, excluding the bills for the months ended September 13, 1967 and October 12, 1967, the monthly bills ranged from \$30 to \$75. In contrast, the September and October bills in 1967 were \$986.71 and \$307.07, respectively.

Complainant further alleges that defendant had been doing work on or about the water meter early in August 1967, just prior to the first period of high recorded consumption, and again late in September 1967, after which normal recorded consumption resumed.

Position of Defendant

Defendant denies that it had been doing work on or about the water meter in question early in August 1967, or on September 21 or 22, 1967. It further denies that the meter recorded in excess of actual deliveries.

Defendant alleges that its water meter was accurate on high flows but erred in favor of the customer on low flows prior to meter repairs performed on September 27, 1967. It contends that the high usage indicated by the September and October billings was due

to the interconnection of the plumbing on complainant's side of the meter which permitted the water supplied by defendant to flow unnoticed into complainant's well.

Proposed Settlement

Rather than to present lengthy testimony in support of their respective positions, complainant and defendant agreed that:

1. Defendant would reduce the amounts originally billed to complainant by \$550.
2. Defendant would assist complainant in correcting possible deficiencies in complainant's plumbing by suggesting safeguards to be installed by complainant to prevent any flow of water from the utility's system into complainant's well.

The proposed settlement is a practical resolution of the dispute. Under the circumstances outlined in the complaint and the answer thereto, the proposed settlement appears appropriate. It will mitigate the loss to complainant caused by possible previous waste of water into its wells; it should avoid future expense to defendant in investigating the litigating any recurrence of high consumption by this customer.

The Commission finds that:

1. Settlement of this complaint as proposed by complainant and defendant is reasonable.
2. Deviation from defendant's filed tariffs to effect the proposed settlement is not adverse to the public interest.

The Commission concludes that the proposed settlement should be authorized. The order which follows is made effective immediately to expedite the settlement proposed by complainant and defendant.

IT IS ORDERED that:

1. Within ten days after the effective date of this order, defendant California Water Service Company shall reduce the amounts originally billed to complainant Robert Alameda Company, for the 2-month period ended October 12, 1967, by the amount of \$550; refund to complainant the amount necessary to effect this reduction; and advise this Commission of such refund.

2. Within twenty days after the effective date of this order, defendant shall advise complainant and this Commission, in writing, of any plumbing changes which defendant recommends be made by complainant to avoid loss of water into complainant's well.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 16th day of DECEMBER, 1968.

William Lyons, Jr.
President

John E. Hutchell

Augustus

Jack P. Monnessey
Commissioners

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