

Decision No. 82133

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John B. and Celia M. Hastings,

Complainants,

vs.

Case No. 9618

Del Oro Water Company,

Defendant.

ORDER OF DISMISSAL

By complaint filed September 25, 1973, complainants seek to have defendant charge for water service to complainants on the basis of days of usage rather than on an annual basis.

Defendant responded by letter dated October 1, 1973, indicating that complainants are being served under defendant's Annual Residential Flat Rate Service, Tariff Schedule No. 2AR. This schedule provides for payment in advance for the entire first year. Defendant also enclosed a copy of an application for this service, signed by complainant J. B. Hastings, which clearly sets forth this requirement, as well as for monthly payments thereafter.

Defendant does not have a tariff schedule limiting charges to days of actual usage, as requested by complainants.

By letter dated October 4, 1973 complainants were advised by the Secretary of the Commission that their complaint was deficient in that it failed to allege a breach of duty by defendant or some violation of its rules or those of the Commission. Complainants were given until October 22 to amend

their complaint. As of this date the Commission has received no further communication from complainants.

The complaint herein must be dismissed for failure to state a cause of action.

IT IS ORDERED that the complaint herein is dismissed.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 13th day  
of NOVEMBER, 1973.

Vernon L. Stenger  
President  
William Synovitz  
H. William  
Charles  
Commissioners