

ORIGINAL

Decision No. 82159

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CITIZENS UTILITIES
COMPANY OF CALIFORNIA to increase
its rates and charges for its water
system serving the Niles-Decoto
area in Alameda County.

Application No. 53178
(Filed February 29, 1972;
rehearing granted
October 30, 1973)

ORDER CLARIFYING ORDER GRANTING REHEARING,
DENYING REQUEST FOR PRE-REHEARING CONFERENCE,
AND SETTING MATTER FOR REHEARING

In Decision No. 81821 dated August 28, 1973 in Application No. 53178 the Commission granted a rate increase to applicant. By a timely filing of an application for rehearing Decision No. 81821 was stayed (PU Code § 1733). Rehearing was granted by Decision No. 82067 dated October 30, 1973 without suspension of the order involved in Decision No. 81821. Section 1733 provides that a timely filed application for rehearing suspends the order involved only until the application for rehearing is acted upon. Any further stay must be provided either in the order granting rehearing or in a subsequent order of the Commission.

As Decision No. 82067 was effective on November 19, 1973 the order involved in Decision No. 81821 was effective November 19, 1973. This clarifying order will provide for appropriate refund if the rates authorized to be filed pursuant to Decision No. 81821 are reduced by the decision to be issued by the Commission after rehearing.

On November 2, 1973, protestant Water Committee of Union City, Tamarack Knolls and Niles filed a Request for Pre-Rehearing Conference, and on November 7, 1973, protestant City of Fremont also filed a Request for Pre-Rehearing Conference.

Section 1734 of the Public Utilities Code in part provides:

"If any application for a rehearing is granted without a suspension of the order involved, the commission shall forthwith proceed to hear the matter with all dispatch and shall determine the matter within 20 days after final submission. . . ."

The requests for the pre-rehearing conference will be denied, and the matter will be set for rehearing before Examiner Cline on January 14, 15, and 16, 1974 at 10:00 a.m., in the Commission Courtroom, State Building, San Francisco, California. At the rehearing additional evidence pertaining to the issues of treatment of liberalized depreciation, interest during construction, adequacy of service, and legal and regulatory expense may be offered by any party. The presentation of such evidence may be made by the parties in the following order:

1. Citizens Utilities Company of California.
2. City of Fremont.
3. City of Union City.
4. Water Committee of Union City, Tamarack Knolls and Niles.
5. Other parties of record.
6. Commission staff.

Tentatively, and subject to modification by the presiding officer at the rehearing, the parties will be permitted to file concurrent opening briefs within twenty days after the filing of the last volume of the transcript of the rehearing and concurrent closing briefs within fifteen days after the last day for the filing of concurrent opening briefs.

IT IS ORDERED that:

1. Applicant Citizens Utilities Company of California shall establish a special reserve for the purpose of accruing the amount of any increase in rates which may result from the filing of revised schedules of general metered service rates pursuant to the order in Decision No. 81821, and applicant shall accrue to that reserve the difference between estimated gross revenues at present rates and

revenues at the rates authorized by Decision No. 81821, until further order of this Commission. The Commission will require applicant to refund to its customers revenues, if any, collected in excess of those ultimately established in this proceeding after rehearing together with interest thereon at the rate of 7 percent per annum.

2. The requests for a pre-rehearing conference are denied.

3. The rehearing granted by Decision No. 82067 in Application No. 53178 is set before Examiner Cline on Monday, January 14, 1974, at 10:00 a.m., in the Commission Courtroom, State Building, San Francisco, California, at which time and place all interested parties may appear and be heard on the issues of treatment of liberalized depreciation, interest during construction, adequacy of service, and legal and regulatory expense. The Commission Calendar will show that the rehearing is also set for the days of January 15, and 16, 1974, in the Commission Courtroom, San Francisco.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 20th
day of NOVEMBER, 1973.

William Sturgeon President
William Sturgeon
William Sturgeon
Commissioners

I abstain:

William Sturgeon, Commissioner

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.