

AUG 1 1984

ORIGINAL

Decision 84 OS 017

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of GIBBS RANCH WATER COMPANY for authority to increase its rates and charges for water service.

) Application 82-04-55
(Filed April 26, 1982)

In the Matter of Application of GIBBS RANCH SEWER COMPANY for authority to increase its rates and charges for sewer service.

) Application 82-05-04
(Filed May 3, 1982)

(See Decision 82-12-073 for appearances.)

FINAL OPINION

In Interim Decision (D.) 82-12-073 dated December 15, 1982 in Application (A.) 82-05-04 of Gibbs Ranch Sewer Company (Sewer Co.) we ordered:

- "2. After the effective date of this order Gibbs Ranch Sewer Company is authorized to file the revised rate schedules attached to this order as Appendix B and to concurrently withdraw and cancel its present schedules. Such filings shall comply with General Order Series 96. However, this increase shall be subject to refund if the connection fee matter is not resolved as ordered.
- "3. Upon five days' notice to the Commission the revised rate schedules shall be effective on January 1, 1983 and shall apply only to service rendered on and after their effective date.
- "4. Gibbs Ranch Sewer Company (Sewer Co.) shall cease charging connection fees in excess of Tariff Schedule 4.
- "5. Sewer Co. should file an amended Schedule 4 to include \$408 fee levied by Tuolumne County Water District in addition to the presently stated fees.

- "6. Within 30 days after the effective date of this order, Sewer Co. shall provide the staff with the names and addresses of all customers who have been charged in excess of filed Tariff Schedule 4.
- "7. Within 90 days after the effective date of this order, Sewer Co. shall make reparations of all excess fees collected with interest at 7%."

Our Hydraulic Branch (staff) has informed us that Sewer Co. is in compliance with Ordering Paragraphs 2 through 7 of D.82-12-073. Sewer Co. has now settled all outstanding refund claims to our staff's satisfaction.

By Administrative Law Judge (ALJ) letter sent to all parties of April 4, 1984, it was noted in the enclosure that 6 customers had refund requests pending. Staff memorandum of June 5, 1984 enclosed with the ALJ letter of June 25, 1984 to all parties shows that full refunds plus interest were made to 4 of the 6 customers. A fifth customer received one-half of his claim plus interest because it was related to a main extension instead of a hook-up fee, and one-half was the correct refund. The amount claimed by a sixth customer was paid to the Tuolumne County Water District No. 2, and is therefore not refundable.

The connection fee matter has taken time to resolve because of the complexities of determining the persons entitled to refunds. It is not necessary to continue the rate increase "subject to refund" provision of D.82-12-073. All parties to A.82-05-04 were notified that Sewer Co. had complied with our connection fee order, that the refund provision of D.82-12-073 was proposed to be deleted, and that the decision was to become final. They were given 10 days to file any protest. No protest has been received.

Findings of Fact

1. Sewer Co. has been in compliance with Ordering Paragraphs 2 through 7 of D.82-12-073 since June 5, 1984.

2. It is no longer necessary to continue the rate increase subject to refund provision in D.82-12-073, and the decision may become final.

3. All parties in this proceeding were notified by ALJ letter dated June 25, 1984 about deleting the rate increase "subject to refund" provision in D.82-12-073, and given 10 days to file any protest. No protest has been received. A public hearing is not necessary.

Conclusion of Law

The subject to refund provision of the rate increase should be deleted from D.82-12-073 and the decision should become final.

FINAL ORDER

IT IS ORDERED that:

1. The last sentence in Ordering Paragraph 2 of D.82-12-073 is deleted as follows:

"However, this increase shall be subject to refund if the connection fee matter is not resolved as ordered."

2. D.82-12-073 is a final decision.

This order becomes effective 30 days from today.

Dated AUG 1 1984, at San Francisco, California.

Commissioner Priscilla C. Crew,
being necessarily absent, did
not participate

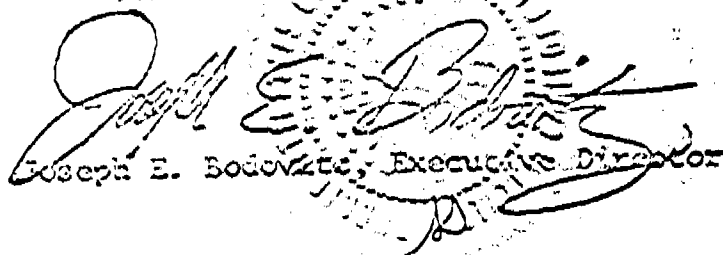
Commissioner William T. Bagley
being necessarily absent, did
not participate.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
DONALD VIAL

Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS


Joseph E. Bodovitz, Executive Director