

Decision No. 86659

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PLUMAS-EUREKA ESTATES, a limited partnership,

Complainant,

vs.

PLUMAS-SIERRA RURAL ELECTRIC COOPERATIVE, INC., a corporation,

Defendant.

Case No. 10036
(Filed January 19, 1976;
amended May 3, 1976)

Warren A. Palmer, Attorney at Law, for complainant.
Martin McDonough, Attorney at Law, for defendant.

ORDER APPROVING STIPULATION

A dispute exists between Plumas-Eureka Estates (complainant), a limited partnership, and Plumas-Sierra Rural Electric Cooperative, Inc. (defendant), a corporation, concerning the interpretation of defendant's Rule 15.1.

The dispute concerns the question of whether complainant shall advance under Rule 15.1 an amount calculated in accordance with the total footage of property fronting on and contiguous to streets within complainant's subdivision, or in accordance with the total actual trench footage of underground distribution lines installed within the subdivision by defendant.

Complainant has deposited its check in the disputed sum of \$7,228.77 with this Commission, to be disbursed and paid in accordance with a final decision in Case No. 10036.

Each of the parties desires that the disputed amount shall be deposited with a responsible savings and loan institution to bear

interest at a rate of not less than 5-1/4 percent pending resolution of the dispute between the parties.

The parties have presented the following for our approval:

1. The amount heretofore deposited by complainant with the California Public Utilities Commission in the sum of \$7,228.77, as a result of the dispute between complainant and defendant relative to whether lot front footage or actual trench footage is to be used in computing the deposit or advance required by complainant to be made to defendant pursuant to the latter's Rule 15.1 shall be redeposited in Placer Savings and Loan Association, Quincy, California, pursuant to an escrow or trust agreement mutually acceptable to the parties, whereby said deposit and any further deposit or deposits as herein provided for shall bear interest at a rate not less than 5-1/4 percent.
2. Said escrow or trust agreement shall provide for the disbursement by such financial institution of all such deposits, with accumulated interest thereon, to complainant and/or defendant in accordance with a final Commission decision and order in said Case No. 10036, and/or pursuant to the final decision of an appropriate Civil Court of the State of California, if applicable.
3. This stipulation shall be submitted by the parties to the Commission with the request that the Commission approve this stipulation and agreement, and by its order provide for redeposit of the funds heretofore deposited with the Commission in said financial institution.

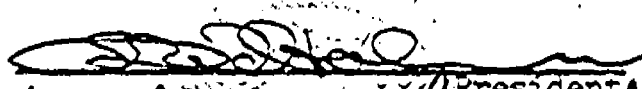
The Commission finds and concludes that sufficient cause has been shown to warrant approving the stipulation.

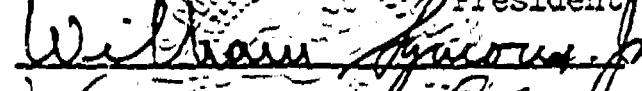
IT IS ORDERED that:


1. Complainant's check shall be returned to complainant.
2. An amount of \$7,228.77 shall be deposited by complainant in the Placer Savings and Loan Association pursuant to the stipulation entered into by the parties on September 30, 1976.

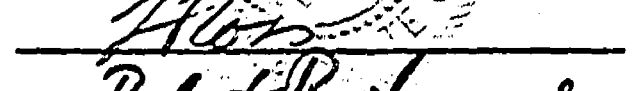
As time is of the essence, the effective date of this order is the date hereof.

Dated at San Francisco, California, this 23rd day of NOVEMBER, 1976.



President






Commissioners