

ORIGINAL

Decision No. 87108

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WINTON WATER COMPANY, INC.,)
)
 Complainant,)
)
 vs.)
)
 YOSEMITE GLASS COMPANY, BUD RAYMOND,)
 HOWARD McCULLOCH,)
)
 Defendants.)

Case No. 10009
(Filed November 25, 1975)

ORDER MODIFYING DECISION NO. 86867 AND DENYING REHEARING

A petition for rehearing of Decision No. 86867 having been filed by Yosemite Glass Company, Bud Raymond and Howard McCulloch, and the Commission having considered each and every allegation thereof and being of the opinion that Decision No. 86867 should be modified, but that good cause for rehearing has not been made to appear;

IT IS ORDERED that Decision No. 86867 is modified to add the following findings and conclusions of law:

FINDINGS

12. Since September 2, 1975, the defendants have furnished water service to Winton Manor utilizing the well, pump and other facilities which were required under the main extension agreement or its oral modification.

13. Winton Manor, the area at issue in this proceeding, consists of 15 buildings with three residences each (triplexes), 70 mobile home lots and 5 commercial lots.

14. During October and November, 1975, after which the parties agreed to a trustee arrangement, defendants charged and collected for furnishing water service in Winton Manor at the rate of \$5.00 per month.

15. The water system used by defendants to furnish water service to Winton Manor has been dedicated to the public use.

16. The actions of defendants in furnishing water service to Winton Manor are not exempted from the jurisdiction, control and regulation of this Commission by any provisions of Section 2704 of the Public Utilities Code.

CONCLUSIONS

Conclusion 2 is modified to read as follows:

"Plaintiff's filing a tariff service area map for an area contiguous to plaintiff's certificated area which is interconnected with plaintiff's certificated area and for which a main extension agreement has been signed by the parties, has the effect of making the area a part of the plaintiff's certificated area."

IT IS FURTHER ORDERED that the petition for rehearing filed herein be otherwise denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 15th day of MARCH, 1977.

Rolot Batujind

 President

William J. Quinn

James L. Sturgeon

Richard D. Small

 Commissioners