

ORIGINAL

Decision No. 87747 AUG 23 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DALE POE DEVELOPMENT CORPORATION,)

Complainant,)

vs.)

SOUTHERN CALIFORNIA EDISON COMPANY,)

Defendant.)

Case No. 10340
(Filed May 31, 1977)

ORDER OF DISMISSAL

Dale Poe Development Corporation complains that Southern California Edison Company (Edison) is requiring payment of \$4,091.25 as a front footage deposit for Tract 2538 in Newbury Park. The developer is building nine houses. Five of the houses are models and four have been sold. The deposit is required by paragraph C ("Advances by Developer") of Rule No. 15.1 of Edison's filed tariff schedules.

Complainant makes no allegations that the amount of required deposit is incorrect or is any way in violation of Rule No. 15.1. Complainant's argument is that it should not have to comply with the requirement for advances from developers since four of the nine houses it is currently building have been sold. We disagree.

The Commission finds that the complaint does not comply with Section 1702 of the Public Utilities Code of the State of California and Rule 9 of the Commission's Rules of Practice and Procedure in that it does not set "forth any act or thing done or omitted to be done by any public utility including any rule or charge heretofore established or fixed by or for any public utility,

in violation, or claimed to be in violation, of any provision of law or any order or rule of the Commission".

The Commission concludes that the complaint fails to state a cause of action and should be dismissed.

IT IS ORDERED that Case No. 10340 is hereby dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 23rd
day of AUGUST, 1977.

Robert R. Baker
President
William J. Snow, Jr.
Leonard L. Stanger
Richard D. Kovalle
Clare J. DeLoach
Commissioners