

Decision No. 89854

JAN 16 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

T. HALLETT REBELE',
Complainant,

vs.

YUCCA WATER COMPANY, LTD.,
Defendant.

Case No. 10612
(Filed June 26, 1978)

INTERIM OPINION AND ORDER

This complaint was filed June 26, 1978 by T. Hallett Rebele' (complainant), against Yucca Water Company, Ltd. (defendant).

On June 30, 1978 defendant was served with a copy of the complaint in Case No. 10612, and was advised to answer the complaint within thirty days pursuant to Rule 13 of this Commission's Rules of Practice and Procedure (Rules). Defendant failed to answer. Defendant did not request an extension of time to answer pursuant to Rule 13.

By Commission letter dated August 17, 1978, defendant was advised that no answer had been received. Defendant was directed to file an answer in compliance with Rules 13 and 13.1. Defendant failed to respond.

By certified mail defendant was advised by the Commission on September 29, 1978 that it had failed to comply with Rules 13 and 13.1 (the return receipt was signed by Ted W. Jurling). Defendant has failed to respond.

Complainant is a real estate developer who seeks water service. The complaint requests, among other things, that defendant comply with its main extension Rule 15.A.5.a. The

complaint requests that defendant supply a written quotation on the necessary construction to provide water service to Tract 9118, Parcel 10, Section 11, Township 1 South, Range 5 East, San Bernardino Base and Meridian.

Rules 13 and 13.1 require an answer to the complaint on file herein. Without an answer, this Commission is unable to evaluate the merits of the complaint. Moreover, defendant's failure to comply with its Rule 15.A.5.a. has the practical result of denying any relief to complainant. Rule 15.A.5.a. provides:

"Rule No. 15

MAIN EXTENSIONS
(Continued)

A. General Provisions and Definitions (Continued)

5. Estimates, Plans and Specifications

- a. Upon request by a potential applicant for a main extension, the utility shall prepare, without charge, a preliminary sketch and rough estimates of the cost of installation to be advanced by said applicant."

By letter dated October 10, 1978 counsel for complainant advised the Commission that complainant still seeks water for Tract 9118 in San Bernardino County, California.

Our findings are based on the verified and unanswered complaint and other matters of record.

Defendant and its president are reminded, in view of the following order, that failure to comply with an order of this Commission is subject to a finding of contempt, punishable by fine, imprisonment, or both (Public Utilities Code Section 2113).

Findings

1. Complainant T. Hallett Rebele', an individual, owns a parcel described as Tract 9118, located in San Bernardino County, California. Tract 9118 is described as Parcel 10, Section 11, Township 1 South, Range 5 East, San Bernardino Base and Meridian.

2. Complainant was advised by letter dated April 3, 1975 by defendant that a parcel of land of approximately 55 acres, Parcel 10, Section 11, T1S, R5E, San Bernardino Base and Meridian was in defendant's service area. This letter was received by complainant on or about April 3, 1975 and was signed by Ted W. Jurling, president, for defendant Yucca Water Co., Ltd.

3. The complaint herein was filed June 26, 1978 and includes a request that defendant provide a written estimate of the cost of necessary construction to supply water service to Tract 9118.

4. A copy of the complaint herein was received by defendant on June 30, 1978. Defendant was advised to answer the complaint within thirty days pursuant to Rules 13 and 13.1, by letter received by defendant on June 30, 1978.

5. On September 29, 1978 Ted W. Jurling, president of defendant Yucca Water Co., Ltd., received written notice that defendant had not complied with Rules 13 and 13.1 by Commission letter (certified mail) dated September 22, 1978. On September 29, 1978 Ted W. Jurling, president of defendant water company, received a copy of a letter dated August 17, 1978 directing defendant to comply with Rules 13 and 13.1 and to file an answer.

6. Defendant and its president have failed and refuse to comply with Rules 13 and 13.1. At all times since June 30, 1978 Ted W. Jurling has been president and chief executive officer of defendant water company.

7. Complainant requests that defendant comply with its Rule 15.A.5.a. Main Extensions, and provide complainant with a preliminary sketch and rough estimates of the cost of installations to be advanced by complainant as developer of Tract 9118 as set forth in the complaint on file herein.

8. Defendant and its president, Ted W. Jurling, have failed and refuse to comply with its main extension Rule 15.A.5.a.

9. Defendant and its president, Ted W. Jurling, by continued and deliberate refusal to answer the complaint herein, are withholding information available to defendant and necessary to a determination and resolution of complainant's request for relief and assistance from this Commission.

10. Defendant Yucca Water Co., Ltd., is a public utility subject to the jurisdiction of this Commission.

Conclusions

1. Complainant is entitled to an estimate of main extension costs pursuant to defendant's main extension Rule 15.A.5.a.

2. Defendant Yucca Water Co., Ltd., was directed to file an answer in compliance with Rules 13 and 13.1 on June 30, 1978. On June 30, 1978 defendant received a copy of the complaint.

3. At all times since September 29, 1978 Ted W. Jurling, the president and chief executive officer of defendant Yucca Water Co., Ltd., has known that defendant has failed to file an answer to the complaint in this case.

4. Defendant water company and its president have failed and neglected to comply with Rule 15 of this Commission's Rules of Practice and Procedure and with the defendant's main extension Rule 15.A.5.a.

5. Defendant Yucca Water Company, Ltd., and its president, Ted W. Jurling, having failed to timely file with this Commission an answer to the complaint in Case No. 10612, should be required to serve on complainant and file with this Commission an answer to the complaint and estimates of the cost of installation of a main extension to serve Tract 9118.

IT IS ORDERED that:

1. Defendant Yucca Water Company, Ltd., and its president Ted W. Jurling, are directed to serve on complainant and file with this Commission an answer to the complaint and the estimates of the cost of installation of a main extension to serve Tract 9118 pursuant to defendant's Rule 15.A.5.a. Main Extensions. Such answer and estimates are to be served and filed within ten days of the effective date of this order.

2. The Executive Director shall arrange for personal service of a certified copy of this decision and order upon defendant's president, Ted W. Jurling. A certified copy of this decision and order shall also be mailed to defendant Yucca Water Company, Ltd. ✓

The effective date of this order shall be the date a certified copy of this order is served on the Yucca Water Company, Ltd.

Dated at San Francisco, California, this 11th day of JANUARY, 1979.

Roland Buticovich
President
Robert D. Wood
Clair J. DeLoach
Commissioners