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Decision No. _____

89990 FEB 14 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WINTON MANOR MUTUAL WATER COMPANY,)
 a nonprofit California corporation,)
 YOSEMITE GLASS COMPANY, a California)
 corporation, HOWARD McCULLOCH and)
 BUD RAYMOND)

Complainants,)

vs)

WINTON WATER COMPANY, INC.,)

Defendant.)

Case No. 10407

ORDER MODIFYING DECISION NO. 89708
 AND DENYING REHEARING

Winton Manor Mutual Water Company, Howard McCulloch, and Bud Raymond have filed an application for rehearing of Decision No. 89708. The Commission has considered each and every allegation contained therein and is of the opinion that good cause for granting rehearing has not been shown. The Commission, however, is of the opinion that Decision No. 89708 should be modified in the interest of clarification.

IT IS ORDERED that Findings 10 and 15 and Ordering Paragraph 1 of Decision No. 89708 are modified as follows:

FINDINGS

10. No finding is made as to the ownership of the property in which the Winton Manor well site is located. The issues of ownership and payment for monies due to any party under the oral agreement referred to in Finding 5 shall be determined by a civil court.

15. The main extension contract effective February 8, 1973, is valid, and lawful; it was not an unlawful deviation from the

utility's filed tariff schedules; that contract is enforceable and valid under contract law; that contract was executed; and it is within the physical and financial ability of the utility to serve Winton Manor.

ORDER

1. On the effective date of this order, Winton Water Company, Inc., shall commence periodic payments to Yosemite Glass Company under the terms and conditions of the main extension contract effective February 8, 1973.

IT IS FURTHER ORDERED that the petition for rehearing of Decision No. 89708 as modified herein is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 14th day of FEBRUARY, 1979.

Commissioner Leonard M. Grimes, Jr., being necessarily absent, did not participate.

John E. Burns
President
Derron L. Sturgeon
Richard D. Gwathmey
Clair T. DeBrick

Commissioners