

ALJ/rr/hh

APR 21 1981

ORIGINAL

Decision No. 92928

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Duane G. Jennings, Melvin L. Stevenson, )  
Larry A. Foster, Charles E. Johnston, )  
Ken McNeal, William Shepherd, )

Complainants, )

Case No. 10945  
(Filed February 9, 1981)

vs. )

Mr. Linton Forrester, )

Defendant. )

ORDER OF DISMISSAL

Complainants are customers of Indian Wells water system, which is located approximately three miles from Coarsegold in Madera County. According to their complaint the system is in the process of being metered and some customers are being assessed metered rates while others are still paying a much lower flat rate.

Complainants request that the meter rates be set aside until all customers' meters have been installed and that all charges paid in excess of the flat rate be refunded. Complainants also question the utility's right to charge meter rates.

Commission records, of which we take official notice, indicate that Indian Wells Water Company, Inc. is presently in the process of being purchased by Hillview Water Company, Inc. of which Linton Forrester is president. Pending Commission approval of his Application No. 58969 the Indian Wells system is being managed and operated by Hillview Water Company.

In a similar complaint filed by Walter Scott (Case No. 10903), which was heard on a consolidated record with Application No. 58969, it was determined that the Hillview Water Company had

commenced a systemwide metering program, which as of the time of hearing on February 4, 1981, had been completed, with the exception of two customers and they were to be metered the following week. Accordingly, all customers on the Indian Wells system are now metered.

The meter rates that are being assessed are pursuant to a filed published tariff that has been in effect since October 3, 1966. These rates are generally lower than the meter rates assessed by the Hillview Water Company for other neighboring water systems.

The complaint fails to indicate any tariff violation and therefore fails to state a cause of action.

IT IS ORDERED that Case No. 10945 is dismissed and all funds deposited with the Commission pending disposition of the complaint shall be paid to Indian Wells Water Company, Inc.

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

Dated APR 21 1981, at San Francisco, California.

John E. Guyon  
President  
Philip D. Kaelin  
Donald W. Jones  
Walter Calver  
Frederic C. Green  
Commissioners