

ORIGINAL

Decision No. 92982

MAY 5 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

INYO COUNTY SANATORIUM,

Complainant,

vs.

DEAN W. KNIGHT & SONS, INC.,

Defendant.

Case No. 10911
(Filed September 24, 1980)

O P I N I O N

Complainant, Inyo County Sanatorium, is provided with sewer service by defendant, Dean W. Knight & Sons, Inc., in or near Big Pine, California. Effective July 1, 1980 defendant increased the monthly charge for sewer service to complainant from \$30 per month to \$750 per month. Complainant has been informed that defendant's filed tariff rate is still \$30 per month and requests that defendant be ordered to reduce the \$750 per month charge "to no more than the existing approved rate of \$30 per month." In its answer^{1/} to the complaint, defendant alleges that it is costing approximately \$900 per month to correct problems in the sewerage system caused by the effluent from complainant's operations.

From the pleadings it is clear that a determination of the filed and effective tariff rate applicable to this service is the relevant issue, for this is a complaint case, not a rate case. An examination of Schedule No. 2, Commercial and Industrial Service, of defendant's filed tariffs confirms

^{1/} Filed February 5, 1981.

that the currently effective rate applicable to Inyo County Sanatorium is, as alleged by complainant, \$30 per month. This is the only lawful rate for service to complainant and neither more nor less may be charged (Section 532 of the Public Utilities Code). The pleadings indicate that complainant has paid charges in excess of tariff charges. ✓

If rates do not cover costs, defendant's recourse is to file an application for an increase in rates.

Findings of Fact

1. Defendant is billing complainant for sewer service at a rate higher than the lawful rate of \$30 per month.
2. A public hearing is not necessary.

Conclusions of Law

1. Defendant should be ordered to desist from billing complainant for sewer service at any rate other than the filed and effective tariff rate applicable to complainant.
2. Defendant should recompute all prior billings rendered to complainant which were at other than the filed and effective tariff rate applicable to complainant and credit the difference to complainant's account.

O R D E R

IT IS ORDERED that:

1. Defendant, Dean W. Knight & Sons, Inc., shall desist from billing complainant, Inyo County Sanatorium, for sewer service at any rate other than the filed and effective tariff rate applicable to complainant.

2. Defendant shall recompute all prior billings rendered to complainant which were at other than the filed and effective tariff rate applicable to complainant and credit the difference to complainant's account.

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

Dated MAY 5 1981, at San Francisco, California.

John E. Bryan
President
Richard C. [unclear]
[unclear]
Victor [unclear]
Phyllis C. [unclear]
Commissioners