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Decision 98-01-005 January 7, 1998

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Shareholders and Users of the Lands of Promise  
Water System,

Complainants,

vs.

Ms. Janet Brown, Conservator for Mrs. Ellen  
Morck,

Defendant.

Case 95-03-047  
(Filed March 17, 1995;  
Addendum May 10, 1995)

**ORIGINAL**

John Lambert, In Pro Per, for complainants.  
Jose E. Guzman, Jr., Attorney at Law, for  
Janet Brown, defendant.

**OPINION**

**Summary**

This decision sets forth amounts to be refunded by Lands of Promise Water System (Lands of Promise) to its customers as reparation credits for overbillings during the period November, 1995 through February, 1996. Refunds are to be credited to customer bills in equal installments over a 4-month period as ordered by Decision (D.) 96-02-064, beginning with the January, 1998 billing period.

**Discussion**

Lands of Promise serves approximately 65 customers located 5 miles northeast of Rosamond in Kern County. By D.95-11-027 issued November 8, 1995 (the Phase I decision), Lands of Promise was determined to be a public utility within the jurisdiction and control of this Commission, and not a mutual water system. D.96-02-064, issued February 23, 1996, (the Phase II decision) established Lands of Promise's regulated water rates, and set forth customer-specific amounts to be refunded as reparations for billings in excess of those rates over the period from March, 1995 through October,

1995. The Phase II decision left the proceeding open for Lands of Promise to make additional refunds of amounts overbilled during the November, 1995 through February, 1996 billing periods, in amounts to be determined by Water Division staff and set forth in a third decision closing this proceeding. Those refunds were ordered to be made in approximately equal installments over a 4-month period commencing March 1, 1997.

In compliance with the Phase II decision, Lands of Promise filed its Advice Letter No. 1 effective March 1, 1996 establishing a full set of water tariffs, including authorized rates. Water Division has compared amounts billed for each of the November, 1995 through February, 1996 monthly periods against what those same billings would have been under authorized rates, summed the monthly overcharges, and tabulated the result (Appendix A to this decision). All that remains in this proceeding is for the Commission to confirm the amounts set forth, and order them refunded.

#### Findings of Fact

1. The Commission's order in Phase II of this proceeding authorized rates to be filed by Lands of Promise, ordered refunds of amounts billed in excess of those rates back to the time the complaint was filed, and directed that additional refunds be made of overbilled amounts going forward through February, 1996, after which the new tariff rates were anticipated to take effect.

2. Water Division has compared amounts due for each of the November, 1995 through February, 1996 billing periods under Lands of Promise's previous, unauthorized rates against what those same billings would have been under authorized rates, and summed the monthly overcharges. The results are tabulated as Appendix A to this decision.

3. The Phase II decision directed that these remaining overbillings be returned to customers as reparation credits in approximately equal installments over a 4-month

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<sup>1</sup> D.96-02-064, Ordering Paragraph 2.

period to commence March 1, 1997. The earliest those credits may begin is now January, 1998.

**Conclusion of Law**

The amounts shown as overcharges in Appendix A are charges in excess of those authorized by the Commission and should be returned to customers as set forth in the order that follows.

**ORDER**

**IT IS ORDERED** that:

1. Lands of Promise Water System shall credit to customers the amounts shown as overcharges in Appendix A to this decision in approximately equal installments over a 4-month period to commence with billings made in January, 1998.

2. This proceeding is closed.

This order is effective today.

Dated January 7, 1998, at San Francisco, California.

P. GREGORY CONLON  
President  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEPPER  
RICHARD A. BILAS  
Commissioners

## APPENDIX A

Lands of Promise Water System  
 Summary of Overcharges  
 November, 1995 through February, 1996 Billings  
 (Tariff Cost per CPUC Decision 96-02-064)

LINE #	CUSTOMER	USAGE CCF	CPUC-APPROVED TARIFF COST	AS BILLED	OVER-CHARGE	MONTHLY REFUND 4 MONTHS
1	ARLIEN	58.21	\$ 142.68	\$ 143.79	\$ 1.11	\$ 0.28
2	ARMFIELD	32.06	99.91	106.97	7.06	1.77
3	BENDER	18.07	77.06	89.04	11.98	3.00
3A	GILBERT	23.06	85.22	95.07	9.85	2.46
4	BORN	11.5	66.45	10.06	0.00	0.00
5	BRADLEY-RUSSELL	33.23	101.92	86.81	0.00	0.00
6	BUOL	9.68	63.46	82.20	18.74	4.69
7	CARLE-1	22.85	85.00	91.50	6.50	1.63
8	CARLE-2	27.05	91.97	107.93	15.96	3.99
9	CHANEY	8.84	62.14	84.86	22.72	5.68
10	COLLINS	27.1	91.85	101.32	9.47	2.37
11	COOPER	2.68	16.18	27.00	10.82	2.71
12	CRAGG	0	0.00	0.00	0.00	0.00
12A	BRUNSON	0	0.00	0.00	0.00	0.00
13	PHELAN	24.75	88.04	98.81	10.77	2.69
13A	CRIBBS	17.55	76.31	90.78	14.47	3.62
14	DE LANO	37.21	108.42	116.47	8.05	2.01
15	DENHAM	37.62	109.04	115.68	6.64	1.66
16	DUGGINS	17.55	76.31	90.78	14.47	3.62
17	DILLENER	31.83	99.62	106.02	6.50	1.63
18	EDWARDS-1	25.15	88.74	100.77	12.03	3.01
19	EDWARDS-2	36.34	106.98	114.90	7.92	1.98
20	GERMANN	6.66	58.57	82.55	23.98	6.00
21	GERMONO	23.06	85.22	95.07	9.85	2.46
22	GONZALES	0	0.00	0.00	0.00	0.00
23	HARGETT	0.35	48.29	60.00	11.71	2.93
24	HASTINGS	86.76	188.75	167.72	0.00	0.00
25	HAYES	32.14	100.03	106.71	6.68	1.67
26	HICKS	46.01	122.71	133.91	11.20	2.80
27	HOUSE	14.31	71.00	86.53	15.53	3.88
28	JACKSON	55.98	138.70	131.92	0.00	0.00
29	KEYES	55.98	138.70	131.92	0.00	0.00
30	KNORPP	12.19	67.58	86.16	18.58	4.65
31	J.K. KOFAHL	57.64	141.78	143.96	2.18	0.55
32	J.E. KOFAHL	101.3	212.70	192.65	0.00	0.00
33	KRECHNYAK	31.35	98.79	106.91	8.12	2.03

LINE #	CUSTOMER	USAGE CCF	CPUC-APPROVED TARIFF COST	AS BILLED	OVER-CHARGE	MONTHLY REFUND 4 MONTHS
34	LAMBERT-1	48.86	127.08	122.63	0.00	0.00
35	LAMBERT-2	46.01	122.71	133.91	11.20	2.80
36	LUCERO	30.91	98.15	108.67	10.52	2.63
37	MATTHEWS	0	47.72	44.04	0.00	0.00
38	MCINTOSH	47.2	124.68	128.65	3.97	0.99
39	MCMULLIN	45.39	121.57	122.01	0.44	0.11
40	MIDDELTON	27.39	92.34	102.22	9.88	2.47
41	TP MURPHY	54.06	135.22	135.70	0.48	0.12
42	KE MURPHY	48.09	126.14	129.87	3.73	0.93
43	NEAL	48.25	126.36	129.03	2.67	0.67
44	PLANTE	28.6	94.34	104.49	10.15	2.54
45	PLATTE	76.4	172.28	151.26	0.00	0.00
46	POULSEN	10.44	129.50	172.88	43.38	10.85
47	PRUNTY	9.69	63.32	82.94	19.62	4.91
48	ROBBINS	47.78	125.60	128.47	2.87	0.72
49	ROWLAND	30.06	96.70	105.71	9.01	2.25
50	RYKER	0	47.72	44.04	0.00	0.00
51	SCHERMERHORN	15.47	73.00	93.36	20.36	5.09
52	SCHMITZ	35.01	104.83	113.53	8.70	2.18
53	R.E. SMITH	16.96	75.40	92.31	16.91	4.23
54	G.L. SMITH	30.88	98.05	107.00	8.95	2.24
55	STEFFENS	51.68	132.11	137.12	5.01	1.25
56	STEINHOFF	6.36	58.07	81.26	23.19	5.80
57	TEATER-BUCK	11.67	66.76	87.35	20.59	5.15
58	TRAVIS-GOEDHART	9.91	63.85	83.69	19.84	4.96
59	WHITE	87.46	189.73	164.19	0.00	0.00
60	WILSON	28.45	93.99	101.47	7.48	1.87
61	M.A. YOST	78.43	176.38	162.54	0.00	0.00
62	F.A. YOST	100.3	211.04	190.62	0.00	0.00
63	R. YOUNG	44.49	120.12	121.41	1.29	0.32
64	E.T. YOUNG	31.31	98.76	107.66	8.91	2.23
65	LOEHR	46.01	122.71	133.91	11.20	2.80
66	DOLSON	26.9	91.50	133.91	42.41	10.60
67	AUTHORIZ. CONN.	0	0.00	0.00	0.00	0.00
TOTALS		2246.4	\$6,836.73	\$7,100.83	\$624.54	\$156.42

SUM1  
Lands Of Promise Overcharges3 wpd  
AXG/om