

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 127

TYNDALE PAINTER,  
GRAY WATER LEAGUE, et al,  
Complainants,

vs.

SOUTHERN CALIFORNIA MOUNTAIN  
RAIN WATER COMPANY,  
Defendant,

CITY OF SAN DIEGO,  
Intervenor.

No. 261.

SUPPLEMENTARY APPLICATION FOR  
INJUNCTION.

ORDER

By the Commission.

WHEREAS, the plaintiffs in the above entitled action, on March 25rd, 1912, filed with this Commission their complaint against the above named defendants, and the Commission set this case for hearing in San Diego on August 19, 1912; and

WHEREAS, the City of San Diego, intervenor in the above entitled action, is to hold an election on August 13, 1912 to vote bonds for the purchase of the defendant water company; and

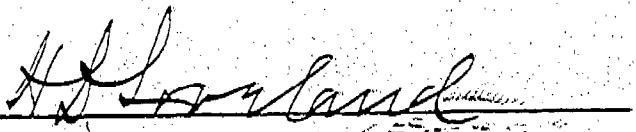
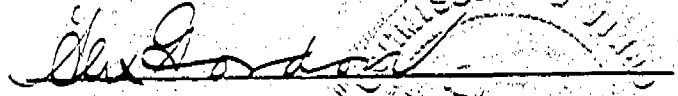
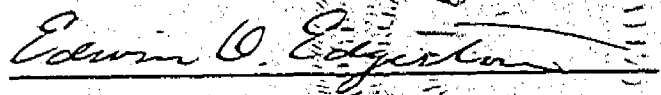
WHEREAS, the complainants in the above entitled action, upon learning of this election, and believing it to be a violation of the Public Utilities Act of this State, filed with this Commission on July 15, 1912 a Supplementary Application, demanding that this Commission order its attorney to obtain, pursuant to Section 75 of the Public Utilities Act, an injunction against both the defendant water company and the City of San Diego, restraining them from completing this contemplated sale of the property of the defendant water company; and

WHEREAS, under the provisions of Section 51 of the Public Utilities Act, such a sale as the one contemplated cannot be completed and made effective but is, in fact, absolutely void without the consent of the Commission; and, furthermore, the Commission being of the opinion that, by virtue of this section of the Public Utilities Act, the defendant water company and the City of San Diego are incapable of doing the act sought to be enjoined; and, also, the Commission being of the opinion that, since its consent

is necessary to make such a sale valid, it can fully protect the interested public by granting or refusing such consent when application is made therefor;

IT IS HEREBY ORDERED that the application of the complainants in the above entitled action, ordering the Commission to obtain injunctions restraining the defendant water company and the City of San Diego from completing the contemplated sale of the property of the defendant water company, be denied.

Dated at San Francisco, California, this 20th day of July, 1912.

  
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Commissioners.