

Decision No. 34681

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Darrell G. Jensen, Margaret C. Jensen,
N. Cecil Jensen, Evelyn V. Jensen,
William Henry Lambert, Jr., Edna May
Lambert, Paul S. Timmons, Berniece
Timmons, Chester F. Cole, Evelyn Cole,
Wesley Farrar, Irene Farrar, Eugene O.
Cole, and Janet Cole,

Complainants.

vs

California Water Service Company,
a Public Utility,

Defendant.

ORIGINAL

Case No. 4530

Arden T. Jensen, for Complainants.

Carl F. Mau, for California Water Service Company.

J. J. Deuel and I. E. Pfaffenberger, for
California Farm Bureau Federation and
Walnut Heights Mutual Water Company.

C. C. BAKER, COMMISSIONER:

OPINION AND ORDER

This complaint was filed by Darrell G. Jensen and several other parties, owners of lots and parcels of land in and adjoining that certain 8-acre subdivided tract situate adjacent and contiguous to the City of Walnut Creek, County of Contra Costa, more particularly described as Lot 1, Block 9, Walnut Heights, being a portion of Rancho San Miguel, and officially known as Darrell Heights, which was subdivided by said Darrell G. Jensen into 32 lots.

Complainants allege, among other things, that request for the extension of water service throughout the Darrell Heights Tract

has not been complied with by defendant, California Water Service Company, apparently through fear of threats of injunction proceedings by and on behalf of Walnut Heights Mutual Water Company which also supplies water in a portion of said Darrell Heights Tract and also in adjoining and adjacent territory. The answer of defendant, California Water Service Company, states that it is ready to install mains throughout the Darrell Heights Subdivision and supply all consumers therein, provided assurance is granted by formal order of the Railroad Commission that said defendant has a right to so extend its facilities in and along San Miguel Road from Railroad Avenue to Margarido Drive and in and along said Margarido Drive in Darrell Heights Subdivision east of the City of Walnut Creek, in Contra Costa County, and further alleges that it will refuse to make any such extension of its facilities while threatened by litigation by or in behalf of the Walnut Heights Mutual Water Company.

A petition in intervention was filed by J. J. Deuel and I. H. Pfaffenberger in behalf of California Farm Bureau Federation and also representing Walnut Heights Mutual Water Company, which, in general, claimed an invasion of said Mutual Company's territory and area of service and requested an opportunity to appear and be heard as interested parties in this formal proceeding.

Public hearings in this matter were held in Walnut Creek. Since submission of this case it appeared to the best interests of the public that the conditions complained of be settled by mutual agreement between the interested parties, if possible. To this end the Commission took immediate steps to negotiate the sale and transfer to the defendant of the entire water distribution properties and facilities of the Walnut Heights Mutual Water Company. These negotiations were successful and have culminated in the acqui-

sition of all water properties of said Mutual Water Company by California Water Service Company, which has now received a deed of conveyance to said properties, is in control and possession thereof, and is now supplying water not only throughout the entire Mutual Water Company system but also to all parties desiring service in the Darrell Heights Subdivision.

The matters complained of now having been satisfied it appears that the complaint, therefore, should be dismissed.

I recommend the following form of order.

ORDER

Based upon the findings of fact in the Opinion preceding this Order and other good cause appearing, now, therefore

IT IS HEREBY ORDERED that the above entitled complaint be and it is hereby dismissed.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 26th day of November, 1940.

Ray L. Riley
Frank S. ...
Arthur J. ...
COMMISSIONERS.