

Decision No. 37161

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Complaint of
MAURICE M. PAVNY, for Order Authorizing
and Directing PALM SPRINGS WATER COMPANY
To Install Water Service.

Case No. 4711.

Porter C. Blackburn, for Complainant.

C. L. McFarland, for Defendant.

Roy W. Colgate, for City of Palm Springs.

ORIGINAL

BY THE COMMISSION:

ORDER OF DISMISSAL

In this proceeding Maurice M. Pavy, engaged in the business of operating an auto trailer supply and automobile accessories store, and a butane filling station, within the city limits of Palm Springs, asks the Commission to order the Palm Springs Water Company to furnish his premises with water.

Public hearings were held before Examiner Stava in Palm Springs.

Complainant resides and has his place of business in Section 2, Township 4 South, Range 4 East, within the Palm Springs Indian Reservation, but outside of Palm Springs Water Company's service area boundaries, as established by the Commission in its Decision No. 34208, dated May 20, 1941. Defendant and City of Palm Springs object to extending the service to complainant upon the grounds that the premises are outside the area served and are under the control of the Federal Government, and that the City and the Company have little jurisdiction or right to entry upon Indian lands.

After a full day's hearing, the matter was adjourned in order to give defendant sufficient time to prepare its evidence. Complainant then presented a request in writing that his complaint be dismissed, but both the defendant and the

City protest such disposition of the matter. We are of the opinion that our decision should be upon the merits of the case. The same issue was determined by Decision No. 34208, in which the Commission fixed the limits of this utility's service area. The complainant herein does not show that enough water is available to permit the extension of service to any of the lands in question. If this issue again be raised, we believe it should be done only in a proceeding wherein all the interested governmental agencies are represented. No further hearing on the instant complaint is deemed necessary. Accordingly, the relief prayed for will be denied and the complaint will be dismissed.

ORDER

Hearing having been had upon the complaint herein, the matter considered, and good cause appearing,

IT IS HEREBY ORDERED that the relief prayed for by the complainant be denied and the complaint be dismissed.

Dated at San Francisco California, this 27th day of June 1944.

Richard Rache
Justice F. Guenen
Francis R. Havenue
Francis R. Havenue
James R. Luce
COMMISSIONERS.