

ORIGINAL

Decision No. 43058

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Whittier Water Company, a corporation,  
Complainant,

vs.

San Gabriel Valley Water Company, a  
corporation,  
Defendant.

Case No. 5099

Application of WHITTIER WATER COMPANY,  
a corporation, for a certificate of public  
convenience and necessity to operate  
a public utility water corporation business.

Application No. 30375

Application of SAN GABRIEL VALLEY WATER  
COMPANY, a corporation, for a certifi-  
cate of public convenience and necessity  
to serve an unincorporated territory lo-  
cated southwesterly of the city limits  
of Whittier, Los Angeles County.

Application No. 30408

INTERIM ORDER

The complaint in Case No. 5099, filed June 25, 1949, alleges that complainant water utility has operated as such near Whittier for many years; that within the territory served by complainant is a tract of land described as Tract No. 15412, such tract being bounded on the east by Sorenson Avenue, on the south by Rosehedge Lane, and on the west by the right-of-way of the Whittier Branch of the Pacific Electric Railroad; that complainant's service mains have been established along both Sorenson Avenue and Rosehedge Lane for thirty years; and that defendant water utility's service area in the vicinity of Tract No. 15412 is west of the right-of-way heretofore mentioned.

Complainant alleges that it recently negotiated an agreement

with the owners and sub-dividers of Tract No. 15412 to construct necessary service laterals and commence water service therein, and was proceeding diligently and in good faith with plans to install said laterals. The complaint then alleges that notwithstanding the above facts, defendant water utility thereafter entered into a contract with the owners of said tract for construction by defendant from the latter's service area west of the right-of-way into said Tract No. 15412 and for service by defendant to prospective users therein.

The complaint alleges that unless restrained by Commission order, defendant will proceed to construct such extension and render service within said tract so situated in complainant's service area, without first having obtained a certificate authorizing such extension and service. It is alleged that, in order to clarify and establish of record the boundaries of the territory which complainant has served and is entitled to continue serving, on June 3, 1949, complainant filed Application No. 30375, requesting a certificate and specifying the territory within which service is proposed, including Tract No. 15412. It is then alleged that on June 16, 1949, defendant <sup>(1)</sup> filed Application No. 30408, seeking a certificate in part of the same territory covered by complainant's application, including Tract No. 15412.

Complainant requests immediate hearing to the end that the Commission may prescribe terms and conditions for the location of the lines and systems of the two utilities, and asks that pending such determination defendant be restrained from extending into Tract

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(1) The complaint in Case No. 5099 refers to defendant as "San Gabriel Water Service, a corporation." For many years defendant's system was known as "San Gabriel Valley Water Service." However, defendant's system is now owned and operated by San Gabriel Valley Water Company, a corporation, and the complaint is hereby amended by insertion of the true name of defendant therein.

No. 15412 or into any other territory embraced under complainant's application for a certificate.

The relief sought by complainant is contemplated by the Public Utilities Act under the circumstances alleged in the complaint. (2)

However, as a condition to the granting of said temporary relief, we believe that complainant should also be required to refrain from making extensions into Tract No. 15412. While the present order will be limited to Tract No. 15412, pending hearing the two utilities will be expected to refrain from making substantial extensions in any overlapping territory covered by the rival applications for certificates. All three matters will be set for early hearing.

Good cause appearing, IT IS ORDERED that San Gabriel Valley Water Company, a corporation, and Whittier Water Company, a corporation, and each of them, pending further Commission order herein, shall immediately cease and desist and shall refrain from extending their respective lines, plants, or systems to, or from furnishing water service in, that certain tract of land known as Tract No. 15412, near Whittier, Los Angeles County, California.

Case No. 5099, Application No. 30375 and Application No. 30408 are hereby assigned to Commissioner Rowell, and hearing therein is set before said Commissioner, or such Examiner as may hereafter be designated, at 10 o'clock a.m., on Wednesday, July 13, 1949, in the Council Chamber, City Hall, Whittier, California.

The Secretary is directed to cause a certified copy of this

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(2) Section 50(c) provides in part as follows: "When a complaint has been filed with the commission alleging that a public utility of the class specified in subsection (a) of this section is engaged or is about to engage in construction work without having secured from the commission a certificate of public convenience and necessity as required by the provisions of this section, the commission shall have power, with or without notice, to make its order requiring the public utility complained of to cease and desist from such construction until the commission makes and files its decision on said complaint or until the further order of the commission."

order, together with a copy of the complaint in Case No. 5099, to be served by registered mail upon San Gabriel Valley Water Company, a corporation, and said defendant is ordered to serve and file its answer to said complaint on or before July 11, 1949. The Secretary is further directed to cause a certified copy of this order to be served by registered mail upon Whittier Water Company, a corporation.

Dated, San Francisco, California, June 28, 1949.

R. F. Anderson  
Justice P. Cooney  
Joseph H. ...  
Harold P. ...  
Herbert P. ...  
Commissioners