

Decision No. 43302

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pico County Water District of
Los Angeles County,

Complainant,

vs.

San Gabriel Valley Water Company,

Defendant.

Case No. 4989

M. I. Church and Kenneth K. Wright,
for complainant; Faries & McDowell by McIntyre
Faries, and R. H. Nicholson, for defendant.

O P I N I O N

Complainant District seeks an order prohibiting defendant water utility from delivering and selling water within the boundaries of the District. It contends that recent installations have been made in violation of a 1939 Commission decision, and without first obtaining a certificate under Section 50 of the Public Utilities Act. Defendant takes the position that it has a right to operate in the controversial areas, both by virtue of a certificate and because of the express statutory right to make extensions into areas contiguous to its system without obtaining a certificate.

Public hearings were held before Examiner Warner on February 14 and March 17, 1949, and the matter was submitted upon briefs.

The territory in question lies generally in the vicinity of Pico. It has been a farming territory, devoted primarily to citrus and because of the development of new subdivisions is entering the transitional phase of changing from rural to urban character. The

need for domestic water service has led to the controversy between the parties to this proceeding. The specific tracts involved lie roughly within that area bounded on the west by Rio Hondo Channel, on the east by San Gabriel River, on the north by Gallatin Road and Friendship Avenue, and on the south by the right of way of The Atchison, Topeka and Santa Fe Railway Company.

Brief review of the history of water service in the above area is necessary to an understanding of the contentions of the parties. In 1924 Sidney Smith, operating as Home Gardens Water Company, was issued a certificate of public convenience and necessity to supply public utility domestic water service in several tracts. (Re Smith, 24 C.R.C. 394.) Certain of the tracts served by Smith are now within the present boundaries of the District.

Complainant District was organized in 1926. It commenced operating in 1927, in that year having acquired that portion of Smith's utility properties known as the "Pico" system, and which supplied water in an area within the then existing boundaries of the District. ⁽¹⁾ (Re Smith, 29 C.R.C. 684.)

In 1937 defendant was issued a certificate of public convenience and necessity covering a large area north of complainant District and extending inside the boundaries of the District as far south as Beverly Boulevard. (Dec. No. 29954, App. No. 21250.) Upon petitions by complainant District and others, the matter was reopened, and in 1939 the certificate theretofore issued was modified

(1) Mr. Smith continued to furnish utility service in several other tracts through facilities not connected to his Pico system, among these being Tract 9095, north of Beverly Boulevard and within the District, and Tracts 8128 and 10056, both located west of and outside the boundaries of the District. These properties were sold by Smith to Frank Gillelen in 1944 (Re Smith, 45 C.R.C. 353; and Dec. No. 37381, App. No. 25890), and were acquired by defendant in 1945. (Re San Gabriel Valley Water Co., Dec. No. 38279, App. No. 26975.)

by excluding therefrom "All the lands situate within the boundaries of the * * * Pico County Water District, as at present constituted; * * *." (Dec. No. 32390, App. No. 21250.)

By 1939, and through an annexation of November 4, 1935, the District's boundaries had been extended southerly from Townley Drive to Washington Boulevard. However, the certificated area in question originally extended only as far south as Beverly Boulevard. It was stipulated in the present proceeding that the District's 1938 petition for reopening, as well as the 1939 decision which modified defendant's certificate, involved only that portion of the lands within the District's 1939 boundaries lying north of Beverly Boulevard.

The District complains of two extensions for the purpose of serving within the District north of Beverly Boulevard and within the District's 1939 boundaries.

The "Melita extension" is in the northeast corner of the District. Amistad Avenue and Melita Street are north and outside of the District. Melita Street is an east-west street across the lower portion of a V-shaped area, with District territory at each end of the street. Amistad is a north-south street which leads into and ends approximately at the middle of Melita. Defendant utility has mains along both of the streets mentioned. It has laid pipes, along an extension of Melita Street, which extend into the District approximately three or four hundred feet easterly and then southerly approximately six hundred feet toward Beverly Boulevard. This extension was made within a year prior to the hearing.

Tract 15662, known as Towar Subdivision, is within the 1939 boundaries of the District and is north of Beverly Boulevard. It is located on the northwest corner of Durfee Avenue and Beverly Boulevard. The subdivider, planning to erect 93 houses, requested de-

defendant to serve water, under a refunding arrangement for the necessary extension. He did not ask the District to serve the subdivision. At the time of hearing defendant had agreed to install a line to serve this tract. Defendant serves territory west of the District's boundary along Lexington Road. To serve Tract 15662, defendant plans to install an eight-inch main approximately 3,000 feet into the District easterly from Lexington Road along Beverly Boulevard to Durfee Avenue, thence northerly approximately 2,100 feet on Durfee Road to the northern boundary of the District and to territory presently served by defendant. Laterals from Beverly Boulevard would serve the tract.

Defendant contends that the Towar Subdivision is contiguous to the area served by defendant in Tract 9095. The latter tract, although within the District, has been served by defendant as successor to Sidney Smith (see footnote 1, supra), and defendant's operation therein is not questioned in the present controversy. The Towar Subdivision is approximately 1,200 feet southeast of Tract 9095.

The 1939 decision, as already noted, expressly excluded from defendant's certificate all lands north of Beverly Boulevard and within the District's 1939 boundaries. Both the "Melita extension" and Towar Subdivision (Tract 15662) are within this excluded territory. The opinion in the 1939 decision read in part as follows:

"After a consideration of the evidence submitted in connection with the overlapping areas within the two Districts, it is apparent that future consumers and subdividers in these areas would be able to obtain water service from Applicant" (defendant herein) "at a considerably lower cost than from the Districts if the present rates of the Applicant and of the Districts are maintained. It would not be in the public interest to deprive these future consumers of their right to choose the utility service that they would prefer when it is required. On the other hand, it would seem inappropriate to grant to the Applicant a certificate covering these

overlapping territories at this time when it may well be that the future subdividers and consumers therein will prefer District service. Duplication of facilities and the increase of total cost of service might result therefrom. The overlapping territory in each of the Districts will therefore be excluded from Applicant's certificated territory, without prejudice, however, to the Applicant to renew its petition when any future subdividers or group of consumers shall request service from it. At that time the Commission will review the circumstances then obtaining and issue an appropriate order on such subsequent application as may be made."

Defendant has no certificate specifically authorizing operations in the areas covered by the two extensions mentioned. Nor has it obtained a certificate authorizing the exercise of any franchise rights therein. The record indicates that in 1925 the County of Los Angeles granted to Sidney Smith, defendant's predecessor, a franchise covering a much larger area than that involved in this proceeding. (Ordinance No. 1208 NS.) That franchise was amended in 1945. (Ordinance No. 4525 NS.) However, defendant's brief states that defendant never applied for a certificate to exercise the rights granted by such franchise, because of a belief that such a certificate had already been issued to one of defendant's predecessors. Defendant cites instances where the Commission has authorized the exercise of franchise rights granted years before certification thereof,⁽²⁾ and urges that in disposing of the present matter such authorization may now be granted. In each of the instances cited, the utility had applied for a certificate authorizing the exercise of franchise rights. No such application has been filed by defendant.

Defendant asserts a statutory right to extend into areas con-

(2) Re Calif. Elec. Power Co., 44 C.R.C. 38; Re P.G. & E. Co., 43 C.R.C. 753.

tiguous to its system. Section 50 provides in part that no water utility shall begin construction of a line, plant, or system, or of any extension thereof, without first having obtained a certificate, subject, however, to the following proviso:

"that this section shall not be construed to require any such corporation to secure such certificate for an extension * * * into territory * * * contiguous to its * * * line, plant, or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business; * * *."

As to territory north of Beverly Boulevard and within the 1939 District boundaries, the 1939 decision which excluded that area from defendant's earlier certificate clearly contemplated that before defendant could serve therein it would be necessary to apply for and obtain authorization "when any future subdividers or group of consumers shall request service from it. At that time the Commission will review the circumstances then obtaining and issue an appropriate order on such subsequent application as may be made." (Dec. No. 32390.)

Because of this limitation upon defendant's right to extend service, it is unnecessary to decide whether the two extensions are into contiguous territory, within the meaning of Section 50. Defendant has neither sought nor obtained the required authorization. The order herein will direct defendant to cease, desist, and refrain from the distribution and sale of water from its "Melita extension" heretofore described, as well as in Tract 15662, known as Towar Subdivision, and to desist from further construction work on its "Melita extension" or within Tract 15662. Defendant will be directed to cease, desist, and refrain from distributing water or constructing service extensions within any portion of the lands within the 1939

boundaries of the District north of Beverly Boulevard other than within Tract 9095, unless and until it obtains a certificate therefor.

By an annexation of December 13, 1945, the District was enlarged to include certain land north of its 1939 boundaries. All of such land was the property of a single individual, who filed a petition for annexation. This land was within defendant's certificated area. In effect, the 1939 decision had established a dividing line between the District and defendant. The president of the District testified in part as follows:

"Q. Did the Pico County Water District take any recognition of the certificated area at the extreme northern boundary of the Pico County Water District in which annexations by the district were made on December 13, 1945?

"A. Well, we did not. That man sent a petition in to come in and was received into the district. We do not go after them.

"EXAMINER WARNER: I have nothing further.

"MR. FARIES: Did you serve that man? A. Yes.

"Q. What is his name? A. Veech.

"Q. Was it a subdivision?" A. A ranch, his home.

"Q. Later on that property was subdivided, was it not, a portion of it? A. Where Mr. Nicholson" (defendant's president) "came in on Harold" (Harrell) "Street, Mr. Veech sold a piece in there for a subdivision.

"Q. Did Mr. Veech request service for you on that? A. No; he did not."

Harrell Street, mentioned above, is the northern boundary of a portion of the 1945 annexation. Tract 15191, north of Harrell and outside of the District, is in defendant's certificated area and has been piped by defendant. Dork Street is south of and parallels

Harrell, and is within the 1945 annexation. It extends easterly outside of the District and into defendant's certificated area. Defendant has installed a six-inch main along Dork Street from Tract 10309 in its certificated area east of the 1945 annexation, through said annexation, for a distance of almost 1,200 feet, to Durfee Avenue, the westerly boundary of a portion of such annexation. At the latter street, such main connects with defendant's eight-inch main which runs southerly along Durfee Avenue from defendant's certificated area north of the 1945 annexation, and through such annexation to Dork Street. Defendant plans to extend the Durfee main southerly within the 1939 boundaries of the District to Beverly Boulevard, in connection with proposed service to the Towar Subdivision, heretofore discussed.

The District apparently complains of the construction of the Dork Street main within the 1945 annexation. The record concerning such main reveals little more than the existence thereof. Moreover, Dork Street is within defendant's certificated area.

Thus far, consideration has been given to territory north of Beverly Boulevard. The greater portion of the area in dispute lies south of Beverly Boulevard. As already indicated, the District was organized in 1926. Its southern boundary was then at Townley Drive. There have been four subsequent southerly annexations.

On November 4, 1935, the District annexed approximately 600 acres south of Townley Drive, consisting of approximately 20 or 25 ranches. Approximately 30 persons signed the petition for annexation, or one person to each 20 acres.

On August 11, 1944, there was a small annexation at the southeast corner of Washington Boulevard and Rosemead Boulevard, which included land owned by five or six separate owners. A somewhat

larger area, east of the 1944 annexation, and on both sides of Washington Boulevard east to Parsons Boulevard, became part of the District on April 3, 1946. According to the recollection of the District's president, at that time no one was residing in that portion of the 1946 annexation south of Washington Boulevard, and there were five residences north of Washington. On August 15, 1947, the District annexed a strip of land south of the 1944 extension and along Rosemead Avenue, consisting of approximately 25 to 40 acres.

A large area east of the above annexations, and extending to the San Gabriel River, is not within the District. Defendant furnishes utility service in the area east of San Gabriel River. It purchased a triangular piece of land extending westerly across the river, south of Washington Boulevard, and adjoining Tract 15702. Defendant's president testified that this land was purchased for the sole reason of crossing the river at that point. ⁽³⁾ Defendant's Well No. 8 was drilled on this property, with 3,000 gallons per minute permissible developed capacity. Tract 15702, containing 252 lots, has been piped by defendant. Defendant proposes to extend into another tract west of Tract 15702, and being Tract 15627, which contains 144 lots. These tracts are not within the District.

Tract 15524, outside of and adjoining the District, contains 229 lots and is immediately north of Tract 15702. In July of 1948, the subdivider applied to the District for service. He had several conversations with representatives of the District, and thereafter

(3) On August 23, 1949, by Decision No. 43244, in Applications Nos. 30375 and 30408 and Case No. 5099, the Commission found that the area served by defendant west of the San Gabriel River along Washington Boulevard to Parsons Boulevard (which would include Tracts 15524 and 15652) was contiguous to territory served by defendant east of the river and certificated by that decision.

(4)
requested service from defendant. Defendant has installed mains in Tract 15524.

Immediately north of the above tract are Tracts 15652 and 15786, consisting of 252 lots and 82 lots, respectively. Both tracts are outside of the District, and upon request of the subdividers, defendant proposes to serve therein and to install the necessary mains. The five tracts last mentioned (Tracts 15702, 15627, 15524, 15652, and 15786) are outside of the District.

Defendant has installed a 10-inch main from Well No. 8, heretofore mentioned, northerly along the east side of Passons Boulevard. The District has a smaller main along the west side of Passons Boulevard, which street is the eastern boundary of the 1946 annexation to the District. Defendant's 10-inch main along Passons enters District territory near Balfour Street, runs northerly to Dunlap Crossing Road, and westerly on Dunlap to Coffman and Pico Road, the western boundary of the District, thence northerly along the boundary approximately 600 feet, and thence westerly and northerly to defendant's Well No. 5 and territory served by defendant west of the District.

At Dunlap Crossing Road and Passons Boulevard, the 10-inch main connects with an 8-inch main installed by defendant easterly from Passons Boulevard on Dunlap Crossing Road, through District territory

(4) The subdivider testified in part as follows:

"* * * as long as I was not in the District I would have to be legally taken into the District first. Second, I would have to install the system myself under their supervision as they laid out their plans. Third, I was to pay for it myself, no provision in there set up for any rebate; and, fourth, the ultimate customer would have to pay for the meters, on which there would be no rebate, and then on general knowledge around the area, it is customary when you subdivide, I found they had a 4-inch main and did not feel it was adequate, because I had knowledge of various subdivisions coming into that area through the Regional Planning Commission and the Engineer's office."

and across San Gabriel River to an area served by defendant east of the river and certificated by Decision No. 43244 in Applications Nos. 30375 and 30408. Thus, the District is bisected by defendant's mains along Dunlap Crossing Road which connect areas served by defendant on both sides of the District. Defendant plans to have all plants of its Whittier District interconnected.

Tract 12165 consists of approximately seven acres, upon which the subdivider will build 33 houses, and is within and comprises a relatively small portion of the 1946 annexation to the District. At present, the District has approximately 15 services in the entire 1946 annexation. The subdivider of Tract 12165 did not seek service from the District, but arranged for service from defendant. Pipe was being laid in that tract by defendant at the time of the hearing herein. The southeast corner of the tract is approximately 150 feet from defendant's 6-inch main at the corner of Washington Boulevard and Passons Boulevard. ⁽⁵⁾ Approximately 300 feet north of the above irregular intersection, a 6-inch main is being laid westerly approximately 300 feet from defendant's 10-inch main on Passons Boulevard, to provide service for the tract. At this point on Passons Boulevard, the District has a 6-inch main.

Tracts 15559 and 15667 are both within the 1935 annexation to the District, at the southerly boundary thereof, and on opposite sides of Passons Boulevard. At this point, the District's main along Passons Boulevard is a 4-inch main. Defendant has installed a 6-inch main approximately 300 feet westerly from its 10-inch main on Passons Boulevard to Tract 15559, and has piped that tract. A

(5) Passons Boulevard is the easterly boundary line of the 1946 annexation to the District. Tract 15652 is on the easterly side of Passons, outside of the District, and across the street from that portion of the annexation in which Tract 12165 is located.

prior owner, who sold a portion of the land which now comprises this tract, testified that he had received water from the District since his property was annexed in 1935, and has had no dissatisfaction with that service. The tract consists of 17 acres, divided into 55 lots. The subdivider testified that he is familiar with service furnished by the District, which serves three subdivisions in the vicinity. He first discussed the matter of service with the District, checked the size and location of the District's mains, and was advised by the District that he would have to obtain a bid from a contractor for installation of mains in the subdivision. The subdivider, who has had experience in the operation of water systems, and who has subdivided 20 tracts of land, was of the opinion that the District's mains were of inadequate size. Although there was the possibility of replacement by larger mains, the subdivider concluded that he could not wait until there was a complaint about the sufficiency of supply or lack of pressure. He had had previous satisfactory dealings with defendant, and arranged for installation of mains in his subdivision after deposit of the required amount of money with defendant. Among the factors influencing the subdivider's decision was the absence of an extension refund from the District, the \$30.00 meter charge to a householder made by the District but not by defendant, and the \$2.00 flat rate charged by defendant. The District charges metered rates.

Tract 15667 is on the east side of Passons Boulevard, opposite Tract 15559, approximately 1,000 feet south of Dunlap Crossing Road, is within the District, and along the southern boundary of a portion of the 1935 annexation. It consists of 24 acres divided into 127 lots, upon which that number of single family dwellings are being constructed. The engineer for the subdivider testified

that, because of previous experience with the District in connection with another subdivision, he would try to do everything he could to work with another water supplier. Defendant has installed a 6-inch main from Passons Boulevard easterly into this tract, as well as smaller laterals throughout the subdivision. The subdivider testified that, because of the agreement with defendant providing that costs of the extension will be refunded to the subdivider, he will be able and intends to pass on to prospective purchasers, through a lower selling price, a saving of from \$100 to \$125 per house.

Tract 15616 is on the west side of Passons Boulevard approximately 150 feet north of Tract 15559, and within the 1935 annexation to the District. It is subdivided into 19 lots, and the owner has an agreement with defendant for water service. Such owner, although within the District, previously obtained water from his own wells, and did not apply to the District for service. He testified that he has paid District taxes for twelve years without "any benefit" therefrom; would be definitely interested in having his land excluded from the District if possible; and did not know that his land was to be annexed to the District.

Tract 15294 is approximately 500 feet north of Dunlap Crossing Road, on Passons Boulevard, and within the 1935 annexation to the District. It consists of 72 single residence lots, on which a like number of homes are to be constructed. The subdivider, who is also the builder, has entered into an extension agreement with defendant to supply water to the tract. He did not seek to obtain service from the District, but made inquiry of people in the area, who recommended defendant. This tract would be served by defendant from its 8-inch main on Passons Boulevard north of Dunlap Crossing Road.

The five tracts last discussed (Tracts 12165, 15559, 15667, 15616, and 15294) are within the District, which asks that defendant

be prohibited from serving within the exterior boundaries of the District.

Reference has already been made to the organization of the District in 1926, and to the subsequent annexations thereto. The District has issued \$120,000 of the original bond issue, \$25,000 of which was issued in 1948. There are \$65,000 in bonds outstanding. It has installed approximately 49,000 feet of cast iron pipe, and a little over 60,000 feet of transite pipe. The District's original well produces 600 gallons per minute. A well drilled in 1929 delivers 1,300 gallons, and a well drilled in 1948 produces 1,600 gallons. It has a fourth well, producing 600 gallons, used for irrigation, but which could be used for domestic purposes if necessary. The District refuses to accept protected steel pipe, but installs Class 100 transite pipe, which is below the minimum requirements of the American Water Works Association, of which the District is a member. The manager of the District testified that transite pipe has been used since 1938, rather than cast iron or steel, because of "red water."

Pressure on the District system varies from 48 to 50 pounds, and there is an automatic control system. When the District's lines were installed in the southern annexations, there were no subdivisions. Pipes were run to the ranchers therein because they were paying taxes in the District. Such pipes were not planned for subdivisions. Four-inch pipes installed in 1935 and following years were ample to serve the ranchers, "but will gradually be augmented by installing on the opposite side of the road 6-inch line." The District demands that a subdivider install 6-inch lines where such are needed in a particular subdivision. The fire department has expressed a desire for lines larger than the District's 4-inch

mains.

The District has no present cash surplus. Cost of replacing 4-inch lines could be raised by taxes on the 1,600 acres comprising the District. Taxes levied in March would come in throughout the year, and it would take a year to raise money by the tax rate. No bond money is presently on hand, and a bond issue would require approximately 120 days, assuming a favorable vote thereon. The District has not attempted to borrow money for additional pipe lines.

The District believes that it has sufficient water to serve the area proposed to be served by defendant, but that it will be necessary to increase its mains to supply adequate water. The District would like to use transite pipe, but will use cast iron pipe, Class 100. The District contracts for the installation of new mains, and its engineer testified that he knew of a contractor who had pipe available.

The District's general manager testified that the average monthly cost of water (excluding taxes) to its customers, including packing houses and large users, is \$2.40, less a 25-cent rebate, or \$2.15 per house per month; and that excluding the large users, such average is \$2.05 per house, subject to a 25-cent rebate.

The present intention of defendant is to serve the subdivisions in question at a flat rate of \$2.00 per month. As heretofore indicated, the District requires individual consumers to pay non-refundable meter installation charges. Defendant makes no such charge. At meter rates, defendant's charges are generally lower

than those of the District. Defendant's monthly minimums are also lower. (6)

The District now serves approximately 1,550 customers, having added approximately 300 customers during the past year.

Over 300 houses will be erected in the five tracts last discussed, and which are within the boundaries of the District. (7)

Concerning these five tracts, it should be noted that, although defendant has not obtained a certificate specifically authorizing service therein, it has not heretofore been ordered to refrain from

(6) Exhibit 7 shows the following comparative rates:

METER CHARGES

<u>Installation Charge</u>	<u>District</u>	<u>Defendant</u>
5/8" x 3/4" meter	\$ 30.00	None
1" meter	50.00	None
1 1/2" meter	90.00	None
2" meter	140.00	None

Monthly Minimum

5/8" x 3/4" meter	\$ 1.75	\$1.25
1" meter	3.25	2.50
1 1/2" meter	5.25	4.50
2" meter	7.75	6.00

QUANTITY RATES

<u>District</u>		<u>Defendant</u>	
0- 1,200 cu.ft.	\$1.75	0- 800 cu.ft.	\$1.25
1,200-10,000 cu.ft.	.10 per 100	800-2,000 cu.ft.	.11 per 100
Over 10,000 cu.ft.	.05 per 100	2,000-3,000 cu.ft.	.09 per 100
		Over 3,000 cu.ft.	.07 per 100

(7)

Tract 12165	-	33 lots.
Tract 15559	-	55 lots.
Tract 15667	-	127 lots.
Tract 15616	-	19 lots.
Tract 15294	-	<u>72 lots.</u>
Total	-	306 lots.

serving within the District's boundaries south of Beverly Boulevard. In the absence of such an order, defendant had the right to make extensions into these five tracts contiguous to its line, plant, or system. The District is not a public utility within the meaning of the Public Utilities Act, and the Commission is without power to prevent the extension of the District's boundaries into territory served by defendant. In this rapidly developing area there are now two entities which claim the right to serve therein, only one of which is subject to Commission regulation. For various reasons, future subdividers and consumers may prefer one or the other service. Yet wholly unrestrained competition between the two agencies furnishing water service would neither be in the public interest, aid in the orderly development of the area, nor necessarily result in efficient and adequate service at reasonable cost to the users of water.

As to District territory south of Beverly Boulevard, defendant should be ordered to refrain from serving therein, except as to the five tracts last discussed above, unless and until it obtains a certificate of public convenience and necessity authorizing such service. As to territory north of Beverly Boulevard, and within the 1939 boundaries of the District, except as to Tract 9095, defendant should likewise be ordered to refrain from serving therein, unless and until it secures a certificate.

No order will be entered as to territory within the 1945 annexation north of the District's 1939 boundaries. When annexed by the District, that territory was within defendant's certificated area.

O R D E R

Based upon the record herein, and upon the findings contained in the foregoing opinion, IT IS ORDERED that San Gabriel Valley Water

Company shall cease, desist, and refrain, unless and until it secures from this Commission a certificate or certificates of public convenience and necessity therefor, from constructing service extensions for the purpose of serving water, or from furnishing water service, in each of the following areas:

1. Any portion of the lands north of Beverly Boulevard, other than within Tract 9095, which are within the 1939 boundaries of Pico County Water District of Los Angeles County, as shown by Exhibit No. 6 in this proceeding.
2. Any portion of the lands south of Beverly Boulevard, other than within Tracts 12165, 15559, 15667, 15616, and 15294, which are within the present boundaries of Pico County Water District of Los Angeles County, as shown by Exhibit No. 6 in this proceeding.

In all other respects, Case No. 4989 is hereby dismissed.

The Secretary is directed to cause a certified copy of this order to be served upon San Gabriel Valley Water Company, a corporation.

The effective date of this order shall be twenty days after the date of such service.

Dated, San Francisco, California, this 13th of September, 1949.

R. E. Indeman
Justice J. C. Allen
Robert F. Lowell
Harold H. Huls
Samuel H. Potter
Commissioners