

Decision No. 43370

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

ORDER DENYING REHEARING

San Gabriel Valley Water Company has petitioned for a rehearing of Decision No. 43302, issued on September 13, 1949. That decision found, as to territory north of Beverly Boulevard and within the 1939 boundaries of the Pico County Water District, that a 1939 decision which excluded that area from petitioner's earlier certificate clearly contemplated that, before petitioner could serve therein, it would be necessary to obtain a certificate therefor. The decision of September 13, 1949 ordered petitioner to cease, desist, and refrain, until it obtained such a certificate, from constructing service extensions for the purpose of serving water, or from furnishing water service, within any portion of the lands north of Beverly Boulevard, other than within Tract 9095, which are within the 1939 boundaries of the District.

The petition for rehearing refers to the filing by petitioner of an application for a certificate on September 12, 1949, and requests that the effective date of Decision No. 43302 be extended pending hearing and decision on the certificate application. (App. No. 30617.) The petition alleges in part that since 1929 petitioner, originally

by its predecessor, "has been serving certain users North of Beverly Boulevard and South of Tract 9095, on or near Lexington Road," and that to cease serving such area would work a hardship.

By an amendment to the petition, filed on September 30, 1949, petitioner alleges that it now serves ninety-three active services in Tract No. 15662, which is north of Beverly Boulevard, and has six other active services north of Beverly Boulevard, which are in addition to those users mentioned in the original petition as being south of Tract 9095 and on or near Lexington Road. Petitioner alleges that to cease serving the users heretofore mentioned, as well as other users within any portion of the lands within the 1939 boundaries of the District north of Beverly Boulevard, will work a hardship upon such users.

The Commission having considered said petition for rehearing, as amended, and each of the allegations thereof, and being of the opinion that no good cause appears for the granting of a rehearing, IT IS ORDERED as follows:

- 1.- Rehearing of Decision No. 43302 is hereby denied.
- 2.- Decision No. 43302 having been suspended by timely filing of petition for rehearing, pending action thereon, said decision shall become effective on October 5, 1949, and petitioner's request for extension of effective date is hereby denied.
- 3.- As to premises actively served by petitioner on and before September 30, 1949, and located north of Beverly Boulevard and within the 1939 boundaries of Pico County Water District, the time for compliance with that provision of Decision No. 43302 which requires petitioner to refrain from furnishing water service in that area is hereby extended pending hearing and decision in Application No. 30617, but subject to the provisions of paragraph 4 of this order, or unless otherwise hereafter ordered.

4.- Petitioner shall serve and file herein a verified statement concerning the premises mentioned in paragraph 3 above, which statement shall include a list of said premises, the location thereof, and the dates and circumstances under which petitioner commenced serving each of said premises. Should such verified statement not be served and filed on or before October 20, 1949, the extension of time for compliance with Decision No. 43302 shall expire on that date.

Dated, San Francisco, California, October 4, 1949.

R. E. [unclear]
Justus F. Goewen
Walter [unclear]
Harold [unclear]
Herbert [unclear]
Commissioners