

ORIGINAL

Decision No. 44199

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MEADOW VALLEY LUMBER COMPANY, a corporation, <div style="text-align: right;">Complainant,</div> vs.	}	Case No. 5182
PACIFIC GAS AND ELECTRIC COMPANY, a corporation <div style="text-align: right;">Defendant.</div>	}	

Hagar, Crosby & Crosby by Gerald H. Hagar, and Reginald L. Vaughan for Complainant; Ralph DuVal for Defendant.

OPINION AND ORDER

REOPENING FOR FURTHER HEARING

The complaint of Meadow Valley Lumber Company alleges that its mill located at Spanish Ranch near Quincy, Plumas County, is within the electric service area of Pacific Gas and Electric Company, but that this utility refuses to supply electric service to complainant for use at said mill. In its answer to the complaint, Pacific Gas and Electric Company admits these allegations. However, in defense of its refusal to supply electric service to complainant, defendant alleges that complainant is now receiving electric service from the Plumas-Sierra Rural Electric Cooperative, Incorporated, and that a compliance with complainant's request for service would violate the terms of an agreement which it has entered into with Plumas-Sierra Rural Electric Cooperative to the effect that neither shall supply electric energy to an existing customer of the other.

A hearing upon this complaint was had in San Francisco on May 5, 1950, before Commissioner Rowell and Examiner Gregory. The

facts developed at the hearing fully reveal the circumstances which prompt the complainant to seek electric service from Pacific Gas and Electric Company rather than to remain a customer of Plumas-Sierra Rural Electric Cooperative. Complainant's witnesses testified that the service now received is not adequate for the efficient operation of its mill, and expressed the opinion that the Plumas-Sierra Rural Electric Cooperative could not in the future provide reasonably adequate service for the planned complete electrification of complainant's mill. Such facts have not been disputed by the defendant.

It is defendant's contention that the agreement which it has made with the Plumas-Sierra Rural Electric Cooperative with the object of avoiding territorial conflicts between them is not contrary to the public interest, and should not be disregarded unless the necessity of such action should appear from facts presented in a proceeding in which both contracting parties are brought before the Commission. A motion was made that the Commission either dismiss the complaint or direct complainant to join the Plumas-Sierra Rural Electric Cooperative as a party defendant.

The Commission is convinced that the issues raised may not equitably be determined until an inquiry is made as to the ability of the Plumas-Sierra Rural Electric Cooperative to provide reasonably efficient electric service to complainant's mill. It is appropriate that the Commission, itself, institute such inquiry. This will be done by the order of investigation instituted this day, such inquiry being of sufficient scope to enable the Commission to determine whether it may exercise jurisdiction over said cooperative to prescribe the extent of its electric service area and the standard of service required. The order herein made will set aside the submission of the complaint, and will reopen the matter for further hearing, after due notice thereof, in conjunction with a hearing to be had upon the :

investigation being instituted into the operations of Plumas-Sierra Rural Electric Cooperative. The evidence presented at the hearing of the complaint matter indicates that complainant will not be seriously injured by the delay thus occasioned in determining whether it is entitled to service by Pacific Gas and Electric Company.

Therefore, for the reasons above stated, and good cause appearing,

IT IS ORDERED that the submission of the complaint of Meadow Valley Lumber Company vs. Pacific Gas and Electric Company be and hereby is set aside, and that a further hearing be had on said complaint at such time and place as shall hereafter be directed upon at least ten (10) days' notice thereof.

The Secretary is directed to cause a copy of this order to be served upon complainant and defendant herein, and upon Plumas-Sierra Rural Electric Cooperative, Incorporated, and to serve notice of the time and place hereafter to be designated for further hearing at least ten (10) days prior to the date of hearing so designated.

Dated at San Francisco, California, this 23rd day of

May, 1950.

R. E. Zimmerman
Justice J. Crocker
Harold Powell
Harold P. Kule

Commissioners.

Commissioner Kenneth Fottor, being necessarily absent, did not participate in the disposition of this proceeding.