

ORIGINAL

Decision No. 44918

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of
San Gabriel Valley Water Company for
a certificate of public convenience
and necessity in territory adjacent to
its Whittier District.

Application No. 30617

San Gabriel Valley Water Company,

Complainant,
vs.

Whittier Water Company and

Case No. 5211

Samuel I. Berg, doing business
as Rivera Water System,

Defendants.

In the Matter of the application of
Samuel I. Berg, doing business as
Rivera Water System, for a certificate
of public convenience and necessity.

Application No. 31160
As Amended.

OPINION AND ORDER DENYING REHEARING
AND AMENDING PRIOR DECISION

SAMUEL I. BERG, doing business as Rivera Water System (hereinafter called Berg), has filed a petition for rehearing in respect to Decision No. 44706, issued on August 22, 1950, in the above entitled matters. Among other things, said decision modified a prior decision, No. 43857, which granted to San Gabriel Valley Water Company (hereinafter called San Gabriel) a certificate of public convenience and necessity authorizing water service in certain territory in Los Angeles County, located between the San Gabriel River and the Rio Hondo Channel north of the tracks of The Atchison, Topeka and Santa Fe Railway Company. In modifying said

Decision No. 43857, it was our intention to preserve to Berg the right to continue water service to any consumers whom he may have been serving prior to his having notice of San Gabriel's application for such certificate, and who may be located in territory included in the certificate granted to San Gabriel by said Decision No. 43857. In accomplishing this purpose, a map was attached to said Decision No. 44706 as Appendix "A" thereto which purported to define the area which Berg was authorized to serve and which was thereby excluded from the territory for which San Gabriel was granted a certificate by said Decision No. 43857. Inadvertently, however, the boundaries of the area so reserved to Berg did not include certain consumers located east of Topoka Avenue, which Berg testified he had been serving over a long period of time. We believe that said Decision No. 44706 should be amended in order that Berg may have authority to continue water service to those consumers whom he had been serving prior to his having notice of the application of San Gabriel to serve the same territory.

This purpose can be accomplished in the order to follow without rehearing, and, in our opinion, the present petition does not otherwise set forth any good cause for the granting of a rehearing.

O R D E R

IT IS HEREBY ORDERED that the petition of SAMUEL I. BERG, doing business as Rivera Water System, for rehearing in respect to Decision No. 44706 be and the same is hereby denied.

IT IS FURTHER ORDERED that Decision No. 44706 be and the same is hereby amended by adding to the first paragraph of section

"II" of the ordering portion thereof the following:

"And provided further that nothing contained in this paragraph, nor in paragraphs "1" and "2" of section I above, shall be construed to prohibit or restrain Samuel I. Berg, doing business as Rivera Water System, from rendering water service to any person or persons to whom he had been rendering such service prior to the time when he had notice of the application of San Gabriel Valley Water Company for authority to render such service in the territory in which such person or persons are located."

IT IS FURTHER ORDERED that Decision No. 44706, as above amended, shall remain in full force and effect.

The Secretary is directed to serve this opinion and order by causing a certified copy thereof to be mailed to all parties of record in the above proceedings.

Dated at San Francisco, California, this 17th day of October, 1950.

R. Z. [Signature]
Justus F. Gueisen
Drayton Lawrence
Harold P. Hale
Herbert P. Potter
 Commissioners