

Decision No. 44971

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINALWHITTIER WATER COMPANY,
a corporation,

Complainant,

v.

Case No. 5241

PARK WATER COMPANY, a corpora-
tion, L. A. DECOMPOSED GRANITE
CO., a corporation, HENRY H.
WHEELER, an individual, JOHN
DOE I, JOHN DOE II, and JOHN
DOE III,

Defendants.

INTERIM ORDER

The complaint herein, filed November 3, 1950, alleges that complainant water utility is operating in Los Angeles County pursuant to a certificate issued in 1949 (Decision No. 43244, Application No. 30375); that Tract No. 16235 of Lakewood Properties, Inc., ⁽¹⁾ is within complainant's certificated area; that on or about July 12, 1950, Lakewood Properties, Inc., requested a letter from complainant, for filing with the Division of Real Estate, to the effect that water service would be furnished in the tract when requested by the subdivider (Exhibit "A"); and that on or about July 14, 1950, complainant addressed a letter to said Division, advising that it was prepared to furnish water service in the tract under its regular rates, rules, and regulations (Exhibit "B").

(1) According to the complaint, said tract "is located southerly from the intersection of Mulberry and Gunn Avenues, approximately two (2) miles from the City of Whittier, Los Angeles County, is of an approximate eighteen (18) acres in area, and has been divided into eighty-nine (89) lots ranging in size from 60 by 100 feet to 57 by 107 feet upon which the subdivider is in the course of erecting homes for residential occupancy."

Complainant alleges that at some date between July 14, 1950, and September 12, 1950, Lakewood Properties, Inc., and defendant Park Water Company entered into an agreement for the construction of facilities and furnishing of water in the tract, and Park Water Company filed a written statement with the Division of Real Estate to the effect that it would be prepared to furnish water in the tract. The complaint then alleges that on or about September 12, 1950, the Division of Real Estate issued its Subdivision Public Report on Tract No. 16235, wherein it stated that "Park Water Company advises that it will supply water to this tract." (Exhibit "C".)

It is alleged further that on or about October 26, 1950, defendant Park Water Company, through its officers, employees, or agents, defendants L. A. Decomposed Granite Company, Henry H. Wheeler, or one or more of said defendants, commenced laying water mains and related facilities in the tract, despite absence of authority to serve therein, and despite the fact that the tract is located wholly within complainant's certificated area.

Complainant alleges that it is ready, willing, and able to install mains and related facilities in the tract and render service therein, and that, unless defendants are immediately restrained and enjoined, serious and irreparable injury will result to complainant in that it will be deprived of its right to extend service in the ordinary course of its business to locations within the territory heretofore certificated to it by the Commission.

The complaint requests immediate issuance of a restraining order. Section 50 of the Public Utilities Act contemplates the granting of such relief under the circumstances alleged in the complaint. Therefore, good cause appearing, IT IS ORDERED that Park Water Company, a corporation, L. A. Decomposed Granite Company, a corporation, Henry H. Wheeler, and each of them, together with their agents or

employees, pending further Commission order herein, shall immediately cease and desist, and shall refrain from installing pipe lines or facilities, or from furnishing water service in that certain tract of land known as Tract No. 16235 in Los Angeles County, California.

Case No. 5241 is 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 Friday, November 17, 1950, in the Commission Courtroom, Mirror Building, 145 South Spring Street, Los Angeles, California, it being found that public necessity requires a hearing on less than ten days' notice.

The Secretary is directed to cause certified copies of this order, together with copies of the complaint herein, to be served by registered mail upon Park Water Company, a corporation, upon L. A. Decomposed Granite Company, a corporation, and upon Henry H. Wheeler, and each of said defendants is ordered to make response to said complaint at or before the hearing.

The Secretary is further directed to cause certified copies of this order to be mailed to complainant and to counsel for complainant.

Dated, San Francisco, California, November 6, 1950.

P. Z. [Signature]
Justice F. Quinner
Chairman Rowell
Harold A. Huls

Commissioners