

**ORIGINAL**

Decision No. 48233

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WATERFORD CHAMBER OF COMMERCE, )  
 )  
                   Complainant, )  
                   ) vs. )  
 THOMAS E. COOPER, AND )  
 PACIFIC GAS AND ELECTRIC )  
 COMPANY, a corporation, )  
                   ) Defendants. )

Case No. 5125

Appearances for Complainant: Waterford Chamber of Commerce by W. L. White, President, and Hawkins and Hawkins by J. W. Hawkins.  
 Appearances for Defendants: T. E. Cooper, in propria persona; R. W. DuVal for Pacific Gas and Electric Company.  
 Other Appearances: L. E. Cooper and J. E. Spelce for the Commission's staff.

OPINION AND ORDER DISMISSING COMPLAINT

This complaint was filed by the Waterford Chamber of Commerce on September 15, 1949 for the purpose of requiring Thomas E. Cooper to enlarge his gas producing facilities for the furnishing of gas for domestic use to all residents of Waterford, or that the Commission make an order permitting the Pacific Gas and Electric Company to install gas distribution mains in the town of Waterford for the furnishing of gas for domestic purposes.

Public hearings were held on this complaint in Waterford on April 26, 1950 before Commissioner Ira Rowell and on April 21, 1952 before Examiner M. W. Edwards. Following the first hearing the Pacific Gas and Electric Company surveyed the area and determined that the gas available from defendant Cooper's wells would serve

annually about one-half of the potential load in the area. Thereafter, defendant Pacific Gas and Electric Company made an agreement with defendant Cooper to purchase his system, supplement the distribution facilities and bring in an additional supply of natural gas by means of a new transmission line from Empire.

The second hearing on April 21, 1952 was held for the purpose of considering the proposed agreement between defendant Pacific Gas and Electric Company and defendant Cooper, Application No. 33247, and obtaining further testimony under Case No. 5125. Following the second hearing the Commission issued Decisions Nos. 47172 and 47194 authorizing the proposed transfer of properties under Application No. 33247 and also issued an interim opinion and order, Decision No. 47171, in Case No. 5125. The interim opinion and order deferred final decision in the complaint case pending taking over of the Cooper property by Pacific Gas and Electric Company and installation of the improvements enumerated in Application No. 33247.

Under date of January 22, 1953 the Pacific Gas and Electric Company wrote a letter to the Commission advising that on December 31, 1952 the Cooper property embodied in the agreement of sale and purchase in Application No. 33247 was deeded to, taken over and thereafter to be operated by Pacific Gas and Electric Company.

It appears to the Commission that the transfer of the Cooper system to the Pacific Gas and Electric Company, permitting that company to enter the town of Waterford with gas distribution mains and to furnish gas to the users in Waterford completely satisfies the prayer of the complaint by the Waterford Chamber of Commerce without the necessity of the entry of an order against either of the defendants. Therefore, the complaint will be dismissed without prejudice.

Public hearings having been held on the above-entitled case, the matter having been submitted and the Commission being fully advised,

IT IS ORDERED that the complaint of the Waterford Chamber of Commerce against Thomas E. Cooper and Pacific Gas and Electric Company, Case No. 5125, is dismissed without prejudice.

Dated at Los Angeles, California, this 2nd day of February, 1953.

R. E. [Signature]  
President.

Justus F. [Signature]

Harold P. [Signature]

Renetta [Signature]

[Signature]  
Commissioners.