

ORIGINAL

Decision No. 49200

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

VINCENT PINELLI,

Complainant,

vs.

Case No. 5488

THE SAN JOAQUIN CANAL COMPANY,

Defendant.

OPINION AND ORDER

This complaint, filed August 20, 1953, seeks an order directing defendant to include within its service area 43 acres of land owned by complainant in Merced County, and to exclude from its service area six parcels of land, aggregating 43 acres, owned by others who have assigned their rights to water service to complainant.

The 43 acres sought to be included adjoin 30 acres of land also owned by complainant. The lands can be serviced from existing canals and have in the past received temporary secondary service from the company.

Five of the six parcels sought to be excluded are located within the city limits of Los Banos. The other is in an area in process of annexation.

The company, by its answer, requests dismissal of the complaint upon the ground that the identical relief sought here was denied complainant in a recent proceeding wherein his complaint was dismissed after hearing and his petition for rehearing was denied. (Decision No. 48472, April 14, 1953, Case No. 5431; rehearing denied, Decision No. 48772, June 30, 1953.)

The Commission, as grounds for dismissal of the previous complaint, pointed out that complainant was one of a group of temporary secondary water users which controls approximately 1,400 acres of land adjacent to defendant's service area, that the testimony did not indicate that defendant had a surplus of water that could be made available permanently to any additional group on an equitable basis; that the evidence disclosed that the water supply is insufficient to serve present permanent customers, during critical summer months, without proration. The Commission concluded that the requested transfers of water service rights were not in the public interest.

The present complaint sets forth no additional facts which would require a reinvestigation of the matters considered in our previous decision. Moreover, the company is now before the Commission with an application to transfer its properties to the Central California Irrigation District. The district has informed the Commission that it is opposed to the relief sought by complainant. In these circumstances, we see no reason for a public hearing for the purpose of retrying issues concluded by our previous decision.

Therefore, good cause appearing,

IT IS ORDERED that the complaint herein be and it is hereby dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of October, 1953.

A. Z. [Signature]  
 President

Justin J. [Signature]

[Signature]

[Signature]

\_\_\_\_\_  
Commissioners