Decision No. 52503

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SOUTHERN CALIFORNIA WATER COMPANY, a corporation,

Complainant,

VS.

Case No. 5711

DYKE WATER COMPANY, a corporation Defendant.

INTERIM ORDER

The complaint herein alleges that since 1929 complainant water utility has had a certificate of public convenience and necessity and has been rendering water service in the City of Huntington Beach and in the areas along Huntington Beach Boulevard between the city limits and Talbert Avenue in Orange County, and in the area known as Stanton located generally between Cerritos Avenue, Katella Avenue, Dale Street, and Western Avenue in Orange County. Complainant alleges that since 1929 it has been and is ready, able, and willing to furnish water service in such service areas and all territory contiguous thereto in accordance with its filed tariff.

The complaint alleges that defendant has entered into contracts to and intends to install water facilities and supply water service to Tract No. 2416, located along the eastern side of Huntington Beach Boulevard between Ellis Avenue and Talbert Avenue adjacent and contiguous to complainant's service area. It also alleges that defendant has entered into a contract and intends to install water facilities and supply water service in a certain area bounded on the west by Stanton Avenue and on the south by Cerritos Avenue

1.

CW

adjacent and contiguous to complainant's Stanton service area.

Complainant further alleges that defendant is not rendering water service in and has no certificate of public convenience and necessity to serve Tract No. 2416 or any area within miles thereof; and that defendant is not rendering water service in and has no certificate of public convenience and necessity to serve the area bounded on the west by Stanton Avenue and on the south by Cerritos Avenue, or any area within one-half mile thereof.

The complaint alleges that any installation of water facilities or furnishing of water service by defendant in the above areas is or would be in direct violation of Public Utilities Code section 1001; that defendant's contracting to render water service in or contiguous to complainant's service areas interferes with the operation and orderly development of complainant's water systems; that defendant's installation and operation of water systems adjacent and contiguous to complainant's Huntington Beach and Stanton service areas would irreparably damage complainant's systems by limiting their expansion and limiting the use of existing facilities along Huntington Beach Boulevard which would be useful in serving the area contiguous thereto, and by limiting the use of existing facilities in Cerritos Avenue and near the intersection of Cerritos and Stanton Avenues which would be useful in serving the area contiguous thereto; and that any such water service by defendant would result in uneconomic duplication of water supply and transmission facilities.

Complainant requests in part that the Commission forthwith issue its order requiring defendant to cease and desist from any construction of water supply, transmission or distribution facilities in Tract No. 2416 or in the Stanton Square area until the Commission makes and files its decision in this proceeding.

2.

The relief sought by complainant is contemplated by the Public (1) Utilities Code under the circumstances alloged in the complaint. The complaint, together with an order to satisfy or answer, has been served upon defendant.

Good cause appearing, IT IS ORDERED that Dyke Water Company, a corporation, pending further Commission order herein, shall immediately cease and desist and shall refrain from constructing any new water supply, transmission, or distribution facilities, or from constructing any additions to or extensions of any such existing facilities, within either of the following areas:

- (a) Tract No. 2416, as described in the complaint herein and in Exhibit A thereto.
- (b) The Stanton Square area, as described in the complaint herein and in Exhibit B thereto.

Case No. 5711 is hereby assigned to Commissioner Mitchell, and hearing therein is set before Examiner Cline, or such Examiner as may hereafter be designated, at <u>nine o'clock a.m.</u> on <u>Friday</u>, <u>February 10, 1956</u>, in the Commission Courtroom, The Mirror Building, 145 South Spring Street, <u>Los Angeles</u>, California, it being found that public necessity requires a hearing on less than ten days' notice.

(1)

3.

Section 1006 provides as follows: "When a complaint has been filed with the commission alleging that a public utility of the class specified in Section 1001 is engaged or is about to engage in construction work without having secured from the commission a certificate of public convenience and necessity as required by this article, the commission may, with or without notice, make its order requiring the public utility complained of to cease and desist from such construction until the commission makes and files its decision on the complaint or until the further order of the commission."

The Secretary is directed to cause a certified copy of this order to be served forthwith by registered mail upon Dyke Water Company, a corporation, and upon Southern California Water Company, a corporation.

Dated, San Francisco, California, February 3, 1956.

resident

Commissioners