

ORIGINALDecision No. 52556

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SOUTHERN CALIFORNIA WATER COMPANY,
a corporation,

Complainant,

vs.

DYKE WATER COMPANY, a corporation,

Defendant.

Case No. 5729

INTERIM ORDER

The complaint herein, filed on February 14, 1956, alleges that since 1929 complainant has had a certificate of public convenience and necessity to serve and has been and is now rendering water service in the area known as Stanton, located generally between Cerritos Avenue, Katella Avenue, Dale Street, and Western Avenue in Orange County. Complainant alleges that at all times since 1929 it has been and is ready, willing, and able to furnish water service in such service area and all territory contiguous thereto in accordance with its filed tariff.

The complaint alleges that defendant has entered into a contract to and intends to install water facilities and supply water service to Tract No. 2983, located along the north side of Cerritos Avenue near Fern Avenue adjacent and contiguous to complainant's Stanton service area, and that a tract map was filed with the Orange County Planning Commission on February 7, 1956, showing water to be served said tract by defendant.

Complainant further alleges that defendant is not rendering water service in and has no certificate of public convenience and

necessity to serve Tract No. 2983 or any area adjacent thereto; that any installation of water facilities or furnishing of water service by defendant in said tract is or would be in direct violation of Public Utilities Code Section 1001; that defendant's contracting with subdividers or others to render water service near, 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 Stanton service area would irreparably damage complainant's systems by limiting expansion and use of existing facilities, including limiting the use of existing facilities in Cerritos Avenue and near the intersection of Cerritos and Fern 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. 2983 until the Commission makes and files its decision in this proceeding.

The relief sought by complainant is contemplated by the Public Utilities Code under the circumstances alleged in the complaint. ⁽¹⁾

Good cause appearing, IT IS ORDERED that Dyke Water Company, a

(1) 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."

