

Decision No. 52674

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IDEAL PETROLEUM COMPANY,
a corporation,

Complainant,

vs.

DYKE WATER COMPANY,
a corporation,

Defendant.

Case No. 5730

INTERIM ORDER

The complaint herein, filed February 20, 1956, alleges that in 1952 complainant was issued a certificate of public convenience and necessity covering Tract No. 1098 in Orange County, and at all times since 1952 has been and now is ready, able, and willing 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 contracts to and intends to install water facilities and supply water service to Tract No. 2833, which is contiguous and adjacent to complainant's service area; to Tract No. 2839, which is immediately north of Tract No. 2833; and to Tract No. 2841, which is immediately adjacent and contiguous to complainant's service area.

Complainant further alleges that defendant is not rendering water service in and has no certificate of public convenience and necessity to serve said Tracts Nos. 2833, 2839 and 2841, or any area within one-half mile thereof; that defendant's contracting with subdividers or others to render water service contiguous to complainant's

service area interferes with the operation and orderly development of complainant's water systems, and would irreparably damage complainant's systems by limiting their expansion; and that at the time complainant received a certificate for its Orange County system complainant hoped and expected to expand to additional areas in the vicinity, especially those contiguous to its certificated area, so that such system could become an economic and profitable system.

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 Tracts Nos. 2833, 2839, and 2841 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 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 the following areas:

Tracts Nos. 2833, 2839, and 2841, as described in the complaint herein and in Exhibit A thereto.


Case No. 5730 is hereby assigned to Commissioner Mitchell, and hearing therein is set before Examiner Cline, or such Examiner as may

(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."

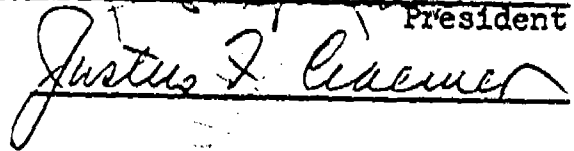
hereafter be designated, at nine o'clock a.m. on Friday, March 9, 1956, in the Commission Courtroom, The Mirror Building, 145 South Spring Street, Los Angeles, California, it being found that public necessity requires a hearing on less than ten days' notice.

The Secretary is directed to cause a certified copy of this order, together with a copy of the complaint herein, to be served forthwith by registered mail upon Dyke Water Company, a corporation. Said defendant is directed to serve and file its answer to the complaint herein on or before March 7, 1956.

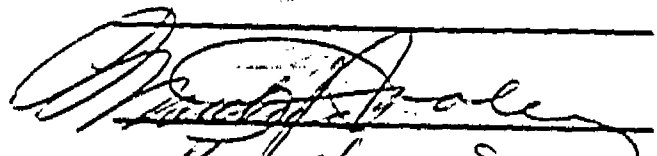
Dated, San Francisco, California, February 23, 1956.



President



Commissioners



Bo Hardy
Commissioners