

Decision No. 52696**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DYKE WATER COMPANY, a corporation,
Complainant,

vs.

Case No. 5731

SOUTHERN CALIFORNIA WATER COMPANY,
a corporation,

Defendant.

INTERIM ORDER

The complaint herein, filed February 27, 1956, alleges that complainant has received certificates of public convenience and necessity to serve, and has been and now is rendering water service in a certain area in Orange County, as shown on Exhibit 1 to the complaint, and has been and now is ready, able, and willing to furnish water service in all territory contiguous thereto in accordance with its filed tariff.

The complaint alleges that defendant has entered into a contract to and has installed water facilities and is supplying water service in Tracts Nos. 2434 and 2676, also known as the Berlin Tracts, adjacent and contiguous to complainant's service area.

Complainant further alleges that defendant has no certificate of public convenience and necessity to serve said tracts or any area adjacent thereto; that defendant installed an 8-inch transmission main approximately 1400 feet to serve said tracts, well knowing that complainant had water mains directly across the street and less than 150 feet from said tracts; and that defendant's contracting with sub-

dividers 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 by limiting their expansion and the use of existing facilities installed in anticipation of serving adjacent territory, resulting 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 Tracts Nos. 2434 and 2676 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 Southern California 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. 2434 and 2676, also known as the Berlin tracts, as described in the complaint herein and in Exhibit 1 thereto.

Case No. 5731 is hereby assigned to Commissioner Mitchell, and hearing therein is set before Examiner Cline, or such Examiner as

(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."

may hereafter be designated, at ten o'clock a.m. on Monday, March 12, 1956, in the Commission Courtroom, The Mirror Building, 145 South Spring Street, Los Angeles, California.

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 Southern California Water Company, a corporation. Said defendant is directed to serve and file its answer to the complaint herein on or before March 9, 1956.

Dated, San Francisco, California, this 28th day of February, 1956.

D. E. Mitchell
President
Justin F. Adams
Rudolph L. ...
... Hardy
Commissioners