

ORIGINAL

Decision No. 52833

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.)

Mrs. Arlyne Lansdale, for Dyke Water Company,
complainant;
Lauren M. Wright of O'Melveny & Myers, for
Southern California Water Company, defendant;
Charles W. Drake, for the Commission staff.

SECOND INTERIM ORDER

On February 27, 1956, complainant Dyke Water Company filed its complaint against Southern California Water Company and, in part, requested 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, also known as the Berlin Tracts, located along the west side of Stanton Avenue and north of Orangewood in Orange County. The allegations of said complaint are fully reviewed in Decision No. 52696, issued February 28, 1956, herein, and will not be restated. In the interim order set forth in said Decision No. 52696 the Commission ordered that Southern California Water Company, a corporation, pending further 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.

Defendant filed its answer March 8, 1956. Public hearing on the complaint was held before Examiner Wilson E. Cline in Los Angeles on March 12, 1956. The matter was taken under submission on March 19, 1956.

At the hearing evidence was introduced by defendant to show that prior to the installation of any water facilities in said Tracts Nos. 2434 and 2676 defendant filed its Application No. 37172 for a certificate of public convenience and necessity covering an area which includes said tracts, and also that prior to the installation of any water facilities in said tracts defendant filed a joint application with Park Lane Water Company, Application No. 37167, for the purchase of certain properties, including existing certificates of public convenience and necessity, of said Park Lane Water Company. After hearings said Application No. 37167 was taken under submission October 19, 1955.

Evidence was also introduced to show that Tract No. 2434, at its nearest point, is approximately 800 feet south of defendant's Stanton service area and that approximately 1,200 feet of 8-inch main was installed from said service area along Stanton Avenue to Tract No. 2434. The installation of this main was begun October 14, 1955, and was completed November 11, 1955. Defendant started the water system within Tract No. 2434 on October 14, 1955 and completed the system on November 2, 1955. It started the water system within Tract No. 2676 on February 2, 1956 and completed said system on February 22, 1956.

Tracts Nos. 2544 and 2677 are also a part of the Berlin Development which defendant has agreed to serve. Tract No. 2544 is adjacent to and south of Tract No. 2676. Tract No. 2677 which is adjacent to and south of Tract No. 2544 is also adjacent to and immediately north of Tract No. 1593 which is a part of the certificated service area of Park Lane Water Company. Tracts Nos. 2544 and 2677 are in the process of development.

Defendant's vice president stated that the defendant intended to extend the transmission line along Stanton Avenue, not only to serve Tracts Nos. 2544 and 2677, but also for the purpose of connecting the Stanton service system with the Park Lane Water Company service system, if and when, such system is acquired by defendant. This witness also testified defendant is willing to serve the territory along Stanton Avenue between the Berlin Tracts and defendant's Stanton service area when it is developed.

Complainant's nearest main to the Berlin Tracts is a 6-inch main along the northerly side of Orangewood Avenue extending to a point about 300 to 400 feet east of Stanton Avenue. From this point complainant has a service to a market located on Orangewood Avenue and Stanton Avenue which has its parking area situated along the Stanton Avenue frontage.

At the hearing the defendant moved that the cease and desist order be dissolved pending final disposition of the case. This motion was taken under consideration and will be disposed of by this second interim order.

Concurrently with the issuance of this order the Commission has issued its Decision in Application No. 37167, as amended, authorizing Park Lane Water Company to sell and transfer and Southern California Water Company to buy and acquire the water system of Park Lane Water Company. The said decision also transfers to

Southern California Water Company the certificates of public convenience and necessity granted to Park Lane Water Company by Decisions Nos. 47190 and 50038. The Commission takes official notice of the Decision which it has issued in said Application No. 37167, as amended.

Through the issuance of such decision the Berlin Tracts become adjacent to the newly acquired certificated area of Southern California Water Company. Upon consideration of the record herein and its own decision in said Application No. 37167, as amended, the Commission is of the opinion and hereby finds that defendant's motion should be granted to the extent herein provided and the cease and desist order set forth in Decision No. 52696 herein should be dissolved and terminated upon the receipt of written notice of the date of the completion of the property transfer which defendant is required to file pursuant to ordering paragraph numbered 6 of the decision of this Commission issued in Application No. 37167, as amended.

Good cause appearing, IT IS ORDERED that the cease and desist order set forth in Decision No. 52696, issued February 28, 1956, herein shall be dissolved and terminated upon the receipt of written notice of the date of the property transfer which Southern California Water Company is required to file pursuant to ordering paragraph numbered 6 of the decision of this Commission issued in Application No. 37167, as amended, which said decision is issued concurrently herewith.

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

Dated at San Francisco, California, this 27th day of March, 1956

[Signature]
President
[Signature]
[Signature]
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Commissioners