

**ORIGINAL**

Decision No. 52847

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DESACRES WATER CO., a corporation,  
Complainant,

v.

WARREN O. WAGNER, doing business  
as GREAT WESTERN WATER SERVICE,  
Defendant.

Case No. 5738

INTERIM ORDER

The amended complaint herein, filed March 28, 1956, alleges that complainant has received a certificate of public convenience and necessity, and by virtue thereof, is furnishing water service in a certain area in Antelope Valley, Los Angeles County, as shown on Exhibit A to said amended complaint, and is able and willing to furnish water service in that contiguous territory marked "C" on said Exhibit A.

Complainant alleges that defendant has negotiated with a subdivider of property contiguous to that now being served by complainant, for a contract to render water service for compensation in said contiguous territory, has acquired a well, and proposes to serve said territory.

Complainant further alleges that said territory proposed to be served by defendant is not contiguous to any territory served by the defendant; that defendant has not secured a certificate of public convenience and necessity or any authorization from this Commission to construct, operate, or maintain any public utility water system to serve said territory; and that if defendant is allowed to

proceed, complainant will suffer irreparable damage, be prevented from furnishing water to said territory, will be limited in expansion of its business and use of its existing facilities, and will be prevented from operating on a sound financial basis.

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 said territory 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. <sup>(1)</sup>

Good cause appearing, IT IS ORDERED that Warren O. Wagner, doing business as Great Western Water Service, 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 area:

That certain territory described in the amended complaint herein and marked "C" on Exhibit A to said amended complaint.

Case No. 5738 is now set for hearing before Examiner Cline at 9:30 o'clock a.m. on Friday, April 6, 1956, in the Commission Courtroom, The Mirror Building, 145 South Spring Street, Los Angeles, California. The amended complaint has been served upon defendant.

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(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."

The Secretary is directed to cause a certified copy of this order to be served forthwith by registered mail upon Warren O. Wagner, doing business as Great Western Water Service. Said defendant is directed to serve and file its answer to the amended complaint herein on or before April 6, 1956.

Dated, San Francisco, California, this San Francisco day of 3rd  
April, 1956.

John E. Mitchell  
President  
Justice J. Adams  
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Matthew Dooley  
Commissioners