

Decision No. 53152

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANTHONY BURKE,

Complainant,

vs.

Case No. 5692

MONTAGUE N. HERBERT,

Defendant.

ORDER OF INVESTIGATION

A complaint having been filed in the above-entitled matter wherein complainant requests an order of this Commission directing defendant, among other things, "to sell and distribute water to all persons entitled thereto," defendant having filed objections to the complaint and subsequently an answer thereto requesting dismissal of the complaint on the principal grounds that defendant is not a utility subject to the jurisdiction of this Commission, a public hearing having been held on April 27, 1956, and the evidence taken therein having indicated that defendant is furnishing water to ten users, and good cause appearing,

IT IS ORDERED that an investigation on the Commission's own motion is hereby instituted into the operations, practices, contracts, rules, regulations, charges and service of Montague N. Herbert, an individual, 70-129 Wonder Palms Road, Palm Valley, California, to determine whether or not said respondent is conducting operations as a public utility water corporation, and to enter any order or orders that may be appropriate in the lawful exercise of the Commission's jurisdiction in the premises.

IT IS FURTHER ORDERED that public hearing be held in said investigation at such time and place as may be hereafter designated.

The Secretary is directed to serve a certified copy of this order upon respondent forthwith, and to cause appropriate notice of hearing to be mailed to respondent at least ten days before the date of hearing in this matter.

Dated at San Francisco, California, this 28<sup>th</sup> day of May, 1956.

Deeming himself disqualified,  
Commissioner Rox Hardy  
abstains from participating  
in this decision.

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 President  
Justus F. Calver  
Raulo Vesterinen  
Walter J. ...  
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 Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.