

Decision No. 53777**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PACIFIC WATER CO., <p style="text-align: center;">Complainant,</p> <p style="text-align: center;">vs.</p> DYKE WATER COMPANY, <p style="text-align: center;">Defendant.</p>	Case No. 5817
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INTERIM ORDER

The complaint herein, filed September 7, 1956, alleges that complainant operates a public utility water system in Orange County known as its Laelco water system, under a 1952 Commission decision. The complaint alleges that Voge, Inc. is subdividing certain property in Orange County, consisting of approximately 16 acres, immediately north of Westminster Boulevard (also known as 17th Street) and immediately east of Clinton Street, and has obtained Tentative Tract No. 2951 for such property. Complainant further alleges that defendant Dyke Water Company has negotiated with such subdivider to serve said territory with water, and has entered into a contract to serve such territory; and that Voge, Inc. has filed a map of such territory with the Planning Commission of the County of Orange, designating the territory as Tract No. 2951, such map stating thereon that water is to be furnished by Dyke Water Company.

The complaint alleges further that defendant has not secured a certificate of public convenience and necessity to serve such

territory, nor has it secured authorization from the Commission to acquire, construct, or operate a water system in said territory, nor has it on file an application for such certificate; that defendant's nearest certificated territory is approximately three-quarters of a mile from said territory; and that the nearest water system operated by defendant is approximately one-quarter mile from said territory.

Complainant further alleges that complainant is operating a public utility water system in the area immediately adjoining Tentative Tract No. 2951 on the east thereof under authority granted by the 1952 decision, has actually extended its water lines into said Tentative Tract No. 2951, is able and willing to furnish all of said territory with water, and has sufficient water and pumping and well equipment to serve said contiguous territory.

It is alleged that if defendant is allowed to proceed with the construction or acquisition and operation of a water system in said territory, complainant will suffer irreparable damage, be prevented from furnishing water to said adjoining territory, will be limited in the normal expansion of its business, and will be prevented from operating on a sound and economical 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 contiguous to the territory now being served by complainant 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 area:

Tentative Tract No. 2951, as described
in the complaint herein.

Case No. 5817 is hereby assigned to Commissioner Hardy, and hearing therein is set before Examiner Cline, or such Examiner as may hereafter be designated, at 10 o'clock a.m. on Friday, September 28, 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

^{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."

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 September 27, 1956.

Dated at San Francisco, California, this 18th day of September, 1956.

John E. Mitchell
President
Justin J. Casseus
Paul Winters
William Dool
W. Hardy
Commissioners.