

**ORIGINAL**Decision No. 54018

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DALY WATER COMPANY, a  
California corporation,

Complainant,

vs.

CITIZENS DOMESTIC WATER COMPANY,  
a California corporation,

Defendant.

Case No. 5837

INTERIM ORDER

The complaint herein, filed October 22, 1956, alleges that complainant, a mutual water company, on June 8, 1956, filed an application with the Commission (App. No. 38110) requesting a certificate of public convenience and necessity authorizing complainant to serve domestic water in a certain defined area lying south of Magnolia Avenue in unincorporated territory near the city limits of the City of Riverside, in the County of Riverside, California, and that complainant has been and is ready, willing and able to construct its water distribution lines to connect with a water distribution system installed or about to be installed in a proposed subdivision known as Skylark Terrace Unit No. 1 lying within said area; that on July 24, 1956, the Tietz Construction Company entered into a contract with complainant under the terms of which complainant agreed to serve water to said company in said subdivision; that defendant is a public utility authorized to serve water in an area north of said Magnolia Avenue; that on or about September 28, 1956, said Tietz Construction

Company commenced the construction of a water distribution system in said subdivision, and that trenches have been dug and a boring pit has been prepared in the vicinity of Magnolia Avenue immediately across the highway from the defendant's service area; that a permit has been issued to the defendant to run a water line underneath said Magnolia Avenue in the vicinity of said subdivision; that said Tietz Construction Company intends to connect its distribution system to the water system of the defendant, and that the defendant intends to extend its water line, without the permission of the Commission, into the area with respect to which the complainant has applied to the Commission for a certificate of public convenience and necessity, and that the defendant appears to be engaged in or about to engage in construction work in said area in violation of the public utility law.

The complainant requests that an ex parte order of this Commission be issued to the defendant requiring defendant to cease and desist from such construction and the connection of its system with that of said Skylark Terrace Unit No. 1, or any other customer within the area with respect to which the complainant has applied to the Commission for authority to serve water, until the Commission makes and files its decision on this complaint, or until the further order of the Commission.

The relief sought by complainant is contemplated by the Public Utilities Code under the circumstances alleged in the complaint.<sup>1/</sup>

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<sup>1/</sup> Section 1006 reads 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."

Case No. 5837 is hereby assigned to Commissioner Hardy, and hearing therein, and in Application No. 38110, which is hereby consolidated for hearing therewith, is set before Examiner Warner, or such Examiner as may hereafter be designated, at 10:30 o'clock a.m. on November 13, 1956, at Deaver Hall, Municipal Auditorium, 3485 - 7th St., in the City of Riverside, California.

The Secretary is directed to cause a certified copy of this order, together with a copy of the complaint herein, to be served by registered mail upon Citizens Domestic Water Company, a corporation. Said defendant is directed to serve and file its answer to the complaint herein within such time as may be specified by the presiding officer at the hearing.

Dated at San Francisco, California, this 30th day of October, 1956.

California, this 30th day of October,

*W. E. Dwyer*  
President

*Carl F. Fierman*

*Michael J. Dwyer*

*W. E. Dwyer*

Commissioners.