

Decision No. 54302

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PACIFIC WATER CO., )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 DYKE WATER COMPANY, )  
 )  
 Defendant. )

Case No. 5862

INTERIM ORDER

The complaint herein, filed December 14, 1956, alleges that by Decision No. 53862 (in App. No. 36592) the Commission found that complainant had a particular, logical, economic, and geographical sphere of operations within which it shall operate, and that by Decision No. 53858 (in Apps. Nos. 37097 and 37161) the Commission found that defendant also had a particular like sphere of operation.

The complaint alleges that defendant has agreed to supply water in Tract No. 2756 in Orange County, began laying pipelines therein in October of 1956, and is now supplying water for construction purposes in said tract; that said tract is within complainant's sphere of operation, being located at the southeast corner of Trask Avenue and Clinton Streets; and that complainant has water systems adjoining said tract on the north and on the west, and adjacent thereto on the south.

Complainant further alleges that defendant has not obtained a certificate of public convenience and necessity to serve said tract, has not secured authorization to purchase, construct, operate, or maintain any public utility water system in said tract, and has no application on file for such a certificate. It is alleged that

defendant's nearest water system is that in Tract No. 2097, on the north side of Trask Avenue and to the east of Clinton Street, and that in Decision No. 53858 the Commission found that defendant's system in Tract No. 2097 is not contiguous to any of defendant's presently certificated area, or areas contiguous thereto, does not lie within defendant's spheres of operation, lies directly between two service areas of complainant, and defendant has neither sought nor received authority to construct or extend its system into Tract No. 2097. It is alleged further that by Decision No. 53862 the Commission found that defendant, without having applied for and obtained a certificate, and in violation of Public Utilities Code section 1001, had extended its water system into Tract No. 2097.

The complaint then alleges that defendant is now extending its operation into Tract No. 2756, to the south of Tract No. 2097 and still further from defendant's sphere of operation, without having applied for or obtained a certificate, in violation of Public Utilities Code section 1001. Complainant alleges that it is able and willing to furnish said Tract No. 2756 with water, has sufficient water and pumping and well equipment to serve said tract, and that if defendant is allowed to operate a public utility system therein complainant will suffer irreparable damage, be prevented from serving territory adjoining its present systems, be limited in the normal expansion of its business, and 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 Tract No. 2756 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:

Tract No. 2756 in Orange  
County, as described in  
the complaint herein.

Case No. 5862 is hereby assigned to Commissioner Mitchell, and hearing therein is set before Examiner Cline, or such Examiner as may hereafter be designated, at 10:00 o'clock a.m. on Friday, December 28, 1956, in the Commission Court Room, 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 reads as follows:

"1006. 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 December 28, 1956.

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

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners

Commissioner Roz Hardy, being necessarily absent, did not participate in the disposition of this proceeding.