

ORIGINAL

Decision No. 55037

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CRESCENT WAY MUTUAL WATER COMPANY,
a California non-profit mutual water company,

Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,
a corporation,

Defendant,

BRUCE E. BAIRD WATER COMPANY,

Petitioner in Intervention,

vs.

CRESCENT WAY MUTUAL WATER COMPANY,
a corporation,

Complainant,

and E. E. HARDEN and ERSA HARDEN, Husband and Wife;
HARDEN FARMS OF CALIFORNIA, a Corporation;
WESTERN BUILDERS, INC., OF SALINAS;
CRESCENT WAY MUTUAL WATER COMPANY, a Corporation;
MICHAEL G. HUGHES and SHIRLEY HUGHES,
Husband and Wife;
JOHN DOE and RICHARD ROE,

Respondents in Intervention.

Case No. 5785

Jacob Abramson and Henry B. Fulton, for complainant.
Malcolm A. MacKillop, for defendant.
Christin and Davis by Charles A. Christin and
W. C. Theile, for intervenor.
Robert C. Moeck, for the Commission staff.

O P I N I O N

The Crescent Way Mutual Water Company commenced this proceeding against the Pacific Gas and Electric Company on June 13, 1956. The complaint sought to have the Commission order the Pacific Gas and Electric Company to supply water to complainant. Defendant

answered on July 5. The answer alleged that the Crescent Way area is not within its (Pacific's) service area; that defendant offers no standby water service at Salinas; that it does not have sufficient water supply to serve an area with such a large potential; that the area is certificated to Bruce E. Baird Water Company. There were other allegations not material here.

Bruce E. Baird and Neva B. Baird, doing business as Bruce E. Baird Water Company, filed a petition to intervene on August 6, 1956. This petition seeks to bring in a number of additional parties. It also sets up the Baird operating right and alleges that Crescent is violating the certificated rights of intervenors; that Crescent Way Mutual and its promoters and the other companies associated with it are not acting in good faith; that Crescent is not a bona fide mutual water company; that intervenors have ample water supply to furnish water to the 27 lots that are now subdivided in the Crescent Way area.

The various parties to this record will sometimes be referred to as Crescent, Pacific and Baird, respectively.

Crescent filed a formal request to dismiss its complaint on September 26, 1956. Allegations in the petition in intervention and the request for dismissal disposed of all issues involving Pacific. The following order will dismiss as to that company.

Public hearings were held in Salinas before Examiner John Power on January 10 and April 24, 1957. On the latter date the matter was submitted and is now ready for decision.

Crescent was organized about June 1, 1956. Its articles were filed with the Secretary of State on the 11th of that month. They were amended in September, 1956. In general they provide for a

membership, non-profit corporation. Membership is restricted to persons and entities owning beneficial title to certain described real estate in and adjacent to Salinas. Membership is made non-transferable. Any sale of the land will cancel the membership. A new certificate of membership will be issued to a transferee upon his proof of transfer but the membership itself automatically passes with the beneficial title to the land.

There was no evidence of water having been supplied to any other land than that described in the amended articles. The evidence did show that water was served before the articles were finally amended to persons living on the included land. Until September 1, 1956, service was free. Thereafter a charge was made.

Based upon an examination of Crescent's amended articles of incorporation and the evidence of record herein, the Commission finds and concludes: (1) that Crescent Way Mutual Water Company is exempt from regulation under Section 2705 of the Public Utilities Code; (2) that it is not a water corporation as defined in Section 241 of the same Code; (3) that it is not subject to any of the prohibitions in Section 1001 of the same Code.

O R D E R

Public hearings having been held, and the Commission basing its order upon the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED:

(1) That the petition of Bruce E. Baird and Neva B. Baird, doing business as Bruce E. Baird Water Company, to intervene in Case 5785 be, and it is, denied.

(2) That the complaint in Case No. 5785 be, and it is dismissed.
The effective date of this order shall be twenty days after
the date hereof.

Dated at Los Angeles, California, this 28th
day of MAY, 1957.

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

Commissioners

Commissioner Matthew J. Dooley being
necessarily absent, did not participate
in the disposition of this proceeding.