

Decision No. 55333**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SOUTHERN CALIFORNIA WATER COMPANY,

Complainant,

vs.

DYKE WATER COMPANY, a corporation,

Defendant.

Case No. 5958

INTERIM ORDER

The complaint herein alleges that complainant water utility has a certificate of public convenience and necessity to serve and is now rendering water service in the City of Stanton and in surrounding areas in Orange County, and is able and willing to furnish service within said areas and within all territory for which complainant was granted a certificate by Decision No. 53856. (App. No. 37172.) It is alleged that the certificate granted complainant by Decision No. 53856 embraces certain areas in the vicinity of Dale Street between Ball Road and Cerritos Avenue, including Tract 3268, as shown on Exhibit A to the complaint.

Complainant alleges that defendant water utility was granted a certificate by Decision No. 53858 (Apps. Nos. 37097, 37161; 55 Cal. P.U.C. 235) for certain areas as shown in Appendix A thereto, and that said decision provides in ordering paragraph 1(a) as follows:

"(a) That Dyke Water Company shall not extend its water system outside its certificated service area boundaries as shown on Appendix A without further order of the Commission."

The complaint further alleges that in February of 1956, by Interim Decision No. 52655 (Case 5729) defendant was ordered to cease and desist from serving Tract 2983 immediately south of and contiguous to Tract 3268, and that in October of 1956, by Decision No. 53859, the interim order was made permanent and final.

Complainant alleges it is informed and believes that defendant has made arrangements to provide water service to Tract 3268 despite the fact that said tract is located within the area for which complainant has been granted a certificate, and that defendant has negotiated to render water service to a proposed school to be constructed by Magnolia School District at the northwest corner of Cerritos Avenue and Dale Street, also located within the area for which complainant has been granted a certificate.

It is alleged further that any installation of water facilities or the furnishing of water service by defendant in Tract 3268 and the proposed school is or would be in direct violation of Public Utilities Code section 1001 and in direct violation of ordering paragraph 1(a) of Decision No. 53858.

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 to render water service to Tract 3268 or the proposed school 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. Section 1006 provides 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."

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 Tract No. 3268 or to the proposed school, as described in the complaint herein and in Exhibit A thereto.

Case No. 5958 is hereby assigned to Commissioner ^{Hardy}~~Mitchell~~, and CJH hearing is set before Examiner Cline, or such Examiner as may hereafter be designated, at ten o'clock a.m. on Monday, August 12, 1957, 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 forthwith by registered mail upon Dyke Water Company, a corporation. Said defendant is directed to serve and file its answer to the complaint herein not later than the date of hearing, unless further time be granted by the Examiner. The Secretary is also directed to cause a certified copy of this order to be served forthwith by registered

mail upon Southern California Water Company, a corporation.

Dated at Los Angeles, California, this 30th day of July, 1957.

W. E. Mitchell
President
Ray S. Wintermer
Walter H. Sale
W. Hardy
C. L. Fox
Commissioners