56019 Decision No.



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM MOLNAR,

CW

ł

Complainant,

VS.

Case No. 6000

BIG BEAR PINES WATER COMPANY, a California corporation,

Defendant.

ORDER OF DISMISSAL

The complaint herein alleges that in 1955 defendant utility was directed not to extend its system "outside its presently authorized service area" without further Commission order (Decision No. 50971, App. No. 34541). Exhibit A to the complaint shows that complainant's land adjoins but is not within that service area. According to the pleading, complainant owns a well and has offered to convey the well to defendant and to construct for defendant a transmission main from the well to the service area, upon certain conditions, but such offer has been declined, and defendant has made a counter-offer. Complainant seeks an order removing the restriction against service in adjacent territory, and conditioning any rate increase that may be granted in defendant's pending supplemental applications in Application No. 34541 upon acquisition of complainant's well and proposed facilities, cost thereof to be refunded upon terms and conditions found just and reasonable by the Commission.

The answer admits certain portions of the complaint, alleges

1.

that the restrictions imposed by Decision No. 50971 are being observed, discusses the offer and counter-offer, and asks that the matter be resolved through appropriate investigation and decision.

The complaint does not allege anything done or omitted to be done by defendant in claimed violation of statute or Commission order. On the contrary, it appears therefrom that defendant is prohibited by Commission order from serving complainant's land. Complainant does not claim to be within defendant's area of dedication to public use. Defendant may not extend beyond its specified service area until it seeks and obtains removal of the restriction prohibiting such extensions. In such event defendant, if it then desired to extend its area of dedication, would have the right to make extensions into contiguous territory in accordance with its filed tariff rules, or under an authorized deviation therefrom. However, the present complaint fails to state a cause of action, and for that reason IT IS ORDERED that Case No. 6000 is hereby dismissed without prejudice.

	Dated at	San Francisco		Càlifornia,	this	30th
day	or perin	heil	1957.			

2.

esident

Commissioners