

Decision No. 56197**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
DYKE WATER COMPANY, a corporation,
for authority to extend its water
service to additional territory in
the vicinity of Garden Grove, in
unincorporated territory, County of
Orange, under Section 1001, Public
Utilities Code of the State of
California.

Application No. 37042

COUNTY OF ORANGE, a body politic of
the State of California, and ORANGE
COUNTY WATERWORKS DISTRICT No. 3, a
body politic of the State of
California,

Complainants,

vs.

Case No. 5666

DYKE WATER COMPANY, a corporation,
Defendant.

SUPPLEMENTAL ORDER

A 1954 Commission decision ordered Dyke Water Company not to further expand or extend its water system within the boundaries of Orange County Waterworks District No. 3, or enter into any further contracts for water service within such boundaries without further Commission order. (Decision No. 50041, App. No. 35205.)

The complaint in Case No. 5666 alleged that defendant Dyke Water Company had violated the 1954 decision. Decision No. 53857, issued on October 1, 1956, found that defendant had deliberately violated the 1954 order by extending its water system into specified tracts without Commission authority, and had also violated the

provisions of section 1001 of the Public Utilities Code. The first two ordering paragraphs of Decision No. 53857 provided as follows:

"1. That pending further order of the Commission, Dyke Water Company shall continue to furnish its water service in Tracts Nos. 2428, 2429, 2179 and 2612 at its present rates.

"2. That when (a) the County of Orange, and Orange County Water Works District No. 3, complainants herein, shall be ready to and will serve the consumers of Dyke Water Company, defendant herein, in Tracts Nos. 2428, 2429, 2179 and 2612, with domestic water service, and (b) the Board of Supervisors of said Orange County shall by its formal resolution fix the exact time for the establishment of said service, and (c) the Commission is in receipt of such resolution, properly certified, a supplemental order will be issued by the Commission which will order and direct Dyke Water Company to cease and desist from furnishing water service to its consumers in said tracts."

Rehearing was denied (Decision No. 54027), and on December 6, 1956 Dyke Water Company filed with the Supreme Court a petition for writ of review (Dyke Water Company v. Public Utilities Commission, S.F. No. 19658).

On December 28, 1956 there was filed with the Commission a certified copy of a resolution of the Board of Supervisors of the County of Orange acting as the governing board of the County of Orange and Orange County Waterworks District No. 3. This resolution, dated December 19, 1956, reads in part as follows:

"RESOLVED that the County of Orange and Orange County Waterworks District No. 3, Complainants in Case No. 5666 before the Public Utilities Commission, are ready to and will serve the consumers now being served by Dyke Water Company, Defendant in said case, in Tracts Nos. 2428, 2429, 2179 and 2612 with domestic water service.

"BE IT FURTHER RESOLVED that said service shall be established within 24 hours after a supplemental order is issued by the Public Utilities Commission which will order and direct Dyke Water Company to cease and desist from furnishing water service to consumers in said Tracts. Said Tracts are specifically referred to in Decision No. 53857 of the Public Utilities Commission of the State of California."

On January 22, 1957, because of the pendency of the petition

for writ of review, the Commission extended the effective date of Decision No. 53857 "until thirty days after final determination of the review proceeding before the Supreme Court unless otherwise hereafter ordered." The Supreme Court denied review on August 27, 1957.

Good cause appearing, IT IS ORDERED as follows:

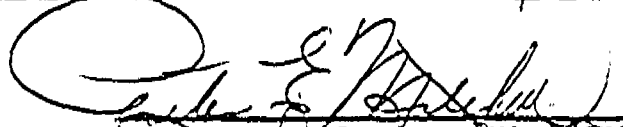
1. County of Orange and Orange County Waterworks District No. 3 shall forthwith serve upon Dyke Water Company a formal notice specifying the exact time when said County and District are ready to and will serve the consumers of Dyke Water Company in Tracts Nos. 2428, 2429, 2179, and 2612 with domestic water service, and shall file with this Commission a true copy of such notice, with proof of service thereof upon Dyke Water Company.

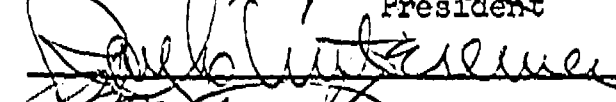
2. Dyke Water Company, concurrently with the commencement of service therein by the County of Orange and Orange County Waterworks District No. 3, shall cease and desist and thereafter refrain from furnishing water service to consumers in said Tracts Nos. 2428, 2429, 2179, and 2612.

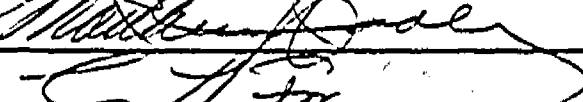
The Secretary is directed to cause a certified copy of this supplemental order to be served upon the County of Orange, upon Orange County Waterworks District No. 3, and upon Dyke Water Company.

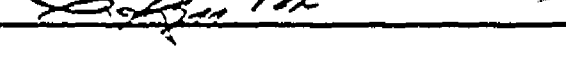
The effective date of this supplemental order shall be the date hereof.

Dated at San Francisco, California, this 4th day of FEBRUARY, 1958.



President






Commissioners.

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