

Decision No. 60252

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SOUTHERN CALIFORNIA WATER COMPANY,
a corporation,

Complainant,

vs.

DYKE WATER COMPANY, a corporation,

Defendant.

Case No. 6525

INTERIM ORDER

The complaint herein alleges that complainant water utility has a certificate of public convenience and necessity, and that the area covered by such certificate includes a portion of the City of Stanton designated as Tract No. 3726 in the records of Orange County, as shown on Exhibit A to the complaint. It is alleged that no water corporation other than complainant has been granted a certificate with respect to said Tract No. 3726. Complainant alleges it is informed and believes the residences in Tract No. 3726 are not occupied and that no water has been rendered to residential customers in said tract.

The complaint further alleges that on or about May 29, 1960 defendant water utility, or someone acting for or on behalf of the defendant, began construction of a water system in and for water service of said Tract No. 3726.

It is alleged further that the order of this Commission in its Decision No. 53858 [Apps. Nos. 37097 and 37161; 55 Cal. P.U.C. 235] prohibits defendant from extending its water system

outside a certain designated area in Orange County, without prior approval of the Commission; and that said Tract No. 3726 is outside the designated area to which defendant was confined by the order in said Decision No. 53858.

Complainant alleges that the terms and conditions of said Decision No. 53858 are known by defendant and certain of its officers, agents, and employees, and that violation thereof by defendant in the manner set forth in the complaint is willful defiance of the lawful orders of this Commission and willful interference with the rights of complainant.

Complainant requests in part that the Commission forthwith issue its order requiring defendant to cease and desist from any further construction of its water system in or for service in said Tract No. 3726.

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."

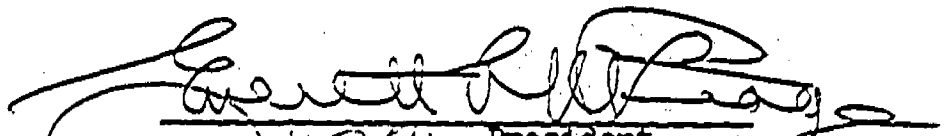
Good cause appearing, IT IS ORDERED that Dyke Water Company, a corporation, and its officers, agents, and employees, pending further Commission order herein, shall immediately cease and desist and shall refrain from constructing any new water supply, transmission, or distribution facilities, or from constructing any additions to or extensions of any such existing facilities,


within or for service in Tract No. 3726, as described in the complaint herein and in Exhibit A thereto.

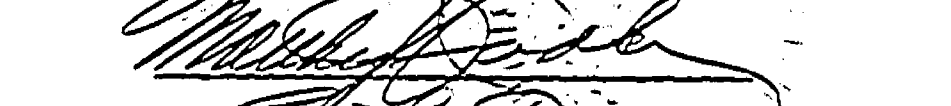
Case No. 6525 is hereby assigned to Commissioner Fox and Examiner Cline, and hearing is set at ten o'clock a.m. on Thursday, June 23, 1960. in the Commission Court Room, The Mirror Building, 145 South Spring Street, Los Angeles, California, it being found that public necessity requires a hearing on less than ten days notice.

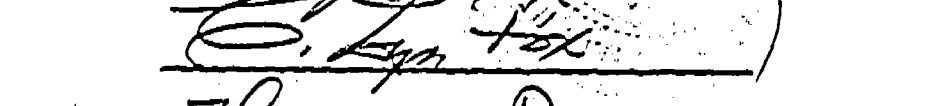
The Secretary is directed to cause a certified copy of this order, together with a copy of the complaint herein, to be served forthwith by registered mail upon Dyke Water Company, a corporation. Said defendant is directed to serve and file its answer to the complaint herein not later than the date of hearing, unless further time be granted by the presiding officer. 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 San Francisco, California, this 14th day of June, 1960.



President







Commissioners