

60306

ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PACIFIC WATER CO.,

Complainant,

vs.

Case No. 6378

DYKE WATER COMPANY,

Defendant.

David B. Eoller, of Moss, Lyon & Dunn, for com-  
plainant.

H. O. Van Petten, for defendant.

O P I N I O N

A public hearing was held in this matter on April 20, 1960, in Garden Grove, before Examiner Grant E. Syphers. On this date evidence was adduced and the matter submitted. It now is ready for decision.

The complainant is a public utility water company operating various water systems in Orange County, California. By Decision No. 55354, dated August 4, 1957, in Application No. 39031, the complainant received a certificate from this Commission authorizing it to conduct a public utility water service in an area in Orange County which includes the territory located at the southwest corner of the intersection of Brookhurst Street and Westminster Avenue.

The gravamen of this complaint is that the defendant, Dyke Water Company, is providing service to a market located on the southwest corner of the intersection of Westminster Avenue and Brookhurst

Street, and which is in the area certificated to the complainant. The defendant admitted that it is providing this service but contended that there is no other source of water available and that the market is actually in operation and requires water service. The defendant further pointed out that it had a water main installed in this area prior to the time this area was certificated to complainant, and further that it will discontinue said water service if and when the complainant can provide water service to the area.

The position of the complainant was that the defendant is providing this water service in violation of the Commission's order in an area legally certificated to complainant. However, the complainant conceded that it was not now in a position to furnish this water service since its closest connection is over a mile away, and the cost of installing a water main would be about \$20,000.

Based upon the evidence in this record, we now find that the defendant is providing a service which is unauthorized and illegal. However, we are faced with a public interest problem in that it is not reasonable to cut off the supply of water to this market. The record clearly indicates the market is in need of water. The record also indicates that the complainant is not now in a position to provide such service. Therefore, in the ensuing order Dyke Water Company will be permitted to provide this service on an interim basis until such time as Pacific Water Co. can provide the service.

#### O R D E R

A complaint as above entitled having been filed, an answer thereto having been filed, a public hearing having been held thereon, the Commission having made the foregoing findings and being fully advised in the premises,

## IT IS ORDERED:

1. That Dyke Water Company be, and it hereby is, permitted and directed to provide water service to a market located on the southwest corner of Westminster Avenue and Brookhurst Street on an interim basis until such time as Pacific Water Co. can provide this service.

2. That when complainant Pacific Water Co. is in a position to provide this service it shall so certify in writing to this Commission, and at that time further appropriate action will be considered by this Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 28th day of June, 1960.

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President  
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Theodore Deener  
Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.