

ORIGINAL

Decision No. 60505

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

ORDER TO SHOW CAUSE

Upon reading the Affidavit and Application for Order to Show Cause of R. J. Pajalich filed herein, IT IS HEREBY ORDERED that Dyke Water Company, a corporation, Dyke Lansdale as President of said corporation, William Lansdale as Vice President of said corporation, Arlyne Lansdale as Secretary-Treasurer of said corporation, and Carl D. Rezac, an employee of said corporation, and each of them, appear before Commissioner C. Lyn Fox and Examiner Wilson E. Cline, or such other commissioner or examiner as may be hereafter designated, at 10 o'clock a.m. on the 14th day of September, 1960, in the court room of the Public Utilities Commission, The Mirror Building, 145 South Spring Street, Los Angeles, California, and then and there show cause, if any they have, why they, and each of them, should not be adjudged to be in contempt of the Public Utilities Commission of the State of California and punished therefor in the manner provided by law, for the alleged contempt set forth in said Affidavit and Application for Order to Show Cause, it being alleged therein that said Dyke Water Company,

Dyke Lansdale, William Lansdale, Arlynn Lansdale, Carl D. Rezac, and each of them, have failed and refused to comply with the terms of Decision No. 60252, and Decision No. 60326 issued in the above-proceeding, in that the public utility water system of said corporation has been extended to, and water is being furnished and delivered to the public within Tract No. 3726, located in the City of Stanton, California.

It is further ordered that a true copy of this order, to which shall be attached a true copy of said Affidavit and Application for Order to Show Cause be personally served upon said Dyke Water Company, Dyke Lansdale, William Lansdale, Arlynn Lansdale, and Carl D. Rezac at least ten days prior to the time hereinabove fixed for the hearing on this Order to Show Cause.

Dated at San Francisco, California, this 2nd

W. day of ~~July~~ ^{August}, 1960.

Ernest A. ...
 President

...

...

...

Theodore ...
 Commissioners

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

AFFIDAVIT AND APPLICATION
FOR ORDER TO SHOW CAUSE

State of California

City and County of San Francisco

} ss.

R. J. PAJALICH, being first duly sworn, deposes and
says:

I.

That he is now and at all times mentioned herein was
a citizen of the State of California, over the age of 21 years,
a resident of the City and County of San Francisco, and is and
was the duly appointed, qualified, and acting Secretary of the
Public Utilities Commission of the State of California, his
office address being 522 State Building, San Francisco,
California;

That said Public Utilities Commission is a public
body of said State, created under and by Sections 22 and 23
of Article XII of the Constitution of California, and exer-
cises such powers, including the power to punish for contempt,
as have been conferred upon it by Sections 20, 21, 22, 23, and

23 a of said Constitution, and by the Public Utilities Code. (Stats. 1951, page 2025, as amended);

That affiant makes this Affidavit and Application for Order to Show Cause in his capacity as Secretary of the Public Utilities Commission and upon the request and direction of said Commission;

II.

That Dyke Water Company, a corporation, is the owner and operator of a public utility water system and is a public utility "water corporation" within the meaning of Section 241 of the Public Utilities Code;

That the office and principal place of business of said corporation is 11065 Penn Avenue, Garden Grove, California;

That Dyke Lansdale is the President of Dyke Water Company; that William Lansdale is the Vice-President of said corporation; that Arlyne Lansdale is the Secretary-Treasurer of said corporation; and that Carl D. Rezac is the superintendent of said corporation;

III.

That under the Public Utilities Code it is affiant's duty to keep a full and true record of all proceedings of and before the Public Utilities Commission; that he has kept a full and true record of that certain proceeding of and before the Public Utilities Commission numbered and entitled as follows:

"Southern California Water Company, a corporation, Complainant, v. Dyke Water Company, a corporation, Defendant, Case No. 6525";

IV.

That Case No. 6525 was filed with the Commission on June 8, 1960; that on June 14, 1960, said Commission issued Decision No. 60252, which 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.";

That on the 14th day of June, 1960, a certified copy of said Decision No. 60252 was duly placed in the United States mail in the City and County of San Francisco, as registered mail, enclosed in a sealed envelope with postage thereon fully prepaid, addressed to each of said Dyke Water Company and Arlyne Lansdale, 11065 Penn Avenue, Garden Grove, California;

That a public hearing on said complaint was held on June 23, 1960; and that thereafter, on June 28, 1960, said Commission issued its Decision No. 60326;

That the order in said Decision No. 60326 provided in part as follows:

"1. The Interim Order, Decision No. 60252, issued June 14, 1960, herein, is hereby made permanent.

"2. Dyke Water Company, a corporation, and its officers, agents, and employees shall forthwith cease and desist and shall refrain from rendering any water service, directly or indirectly, in Tract No. 3726,

as described in the complaint herein and in Exhibit A thereto.

"3. Dyke Water Company, a corporation, shall, within 48 hours after the effective date of this order, physically disconnect its lawfully operated public water system from the water system which has been installed in said Tract No. 3726, as described in the complaint herein and in Exhibit A thereto, and shall notify the Commission in writing of said disconnection within two days after said disconnection has been made.

"4. Dyke Water Company, a corporation, shall not reconnect or permit reconnection of its lawfully operated public utility water system to the water system which has been installed in said Tract No. 3726 as described in the complaint herein and in Exhibit A thereto.";

That the effective date of said Decision No. 60326 was July 8, 1960;

That on June 28, 1960, a certified copy of said Decision No. 60326 was duly placed in the United States mail in the City and County of San Francisco, as registered mail, enclosed in a sealed envelope with postage thereon fully prepaid, addressed to each of said Dyke Lansdale, William Lansdale, Arlyne Lansdale, and Carl D. Rezac, 11065 Penn Avenue, Garden Grove, California;

That attached to this Affidavit is the Affidavit of Reginald H. Knaggs in support of this affiant's Application for Order to Show Cause; that this affiant has read said supporting

Affidavit, has been informed that the allegations therein are true, and therefore incorporates herein by reference said supporting Affidavit as a part of this affiant's Application for Order to Show Cause;

That the omission, failure, or refusal of said Dyke Water Company, Dyke Lansdale, William Lansdale, Arlyne Lansdale, and Carl D. Rezac, and each of them, to comply with the terms of said Decision No. 60252 and of said Decision No. 60326, was and is a violation and disobedience of said decisions; that such violation and disobedience were with full knowledge and notice of said decisions and of the contents thereof on the part of said Dyke Water Company, and its officers and employees above-named, and each of them, and with the intent on the part of said corporation, its said officers and employees, and each of them, to violate said decisions;

That said failure to comply with and violation of said decisions and of the orders therein on the part of said corporation, its said officers and employees, and each of them, are a violation of law and in contempt of the Public Utilities Commission of the State of California;

WHEREFORE, affiant prays that the Public Utilities Commission of the State of California issue an order requiring said Dyke Water Company, Dyke Lansdale, William Lansdale, Arlyne Lansdale, Carl D. Rezac, and each of them, to appear before the Public Utilities Commission and show cause, if any they have, why they, and each of them, should not be punished in the manner provided by law for their contempt

of the Public Utilities Commission of the State of California.

R. C. Pajalich
R. C. PAJALICH

Subscribed and sworn to before me
this 1st day of August 1960.

James V. Furlan JAMES V. FURLAN
Notary Public

In and for the City and County of
San Francisco, State of California.

MY COMMISSION EXPIRES APRIL 6, 1968

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

AFFIDAVIT OF REGINALD H. KNAGGS

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.

REGINALD H. KNAGGS, being first duly sworn, deposes and says:

I.

That he is now and at all times herein mentioned was a citizen of the State of California, over the age of twenty-one years, a resident of the County of Los Angeles, State of California, and is employed as an Assistant Utilities Engineer by the Public Utilities Commission of the State of California, his office address being 145 South Spring Street, Los Angeles, California.

II.

That he is familiar with that certain public utility water system owned and operated by Dyke Water Company, a corporation. That he is familiar with Decision No. 60326 issued by the Public Utilities Commission in Case No. 6525. That he is familiar with Decision No. 53858, issued by the Public Utilities Commission in Applications Nos. 37097 and 37161 of Dyke Water Company, and is familiar with Decision No. 53856 in Application

No. 37172 of Southern California Water Company, a corporation, and is familiar with Appendix A attached to each of said decisions. That he is familiar with the respective areas within which Dyke Water Company and Southern California Water Company were granted certificates of public convenience and necessity by said decisions and more particularly the area in and in the vicinity of the City of Stanton.

III.

That Tract No. 3726 is located within the City of Stanton and is within the service area boundaries of the Southern California Water Company as delineated in Appendix A to Decision No. 53856, which decision, dated October 1, 1956, granted to Southern California Water Company a certificate of public convenience and necessity permitting it to construct, extend, and operate its water system and to exercise the rights and privileges granted to it by Ordinance No. 767 of Orange County, and that the area covered by said certificate of public convenience and necessity includes a portion of the City of Stanton designated as Tract No. 3726 in the records of Orange County.

IV.

Affiant observed that Dyke Water Company, on or before June 22, 1960, connected or permitted to be connected the water system in said Tract No. 3726 to its own public utility water system and furnished public utility water service in said Tract No. 3726 by means of a main connected on the north side of Filmore Street just westerly of the intersection with Arthur Drive in Tract No. 2060, in the records of Orange County.

V.

That on July 20, 1960, affiant personally observed Dyke Water Company continuing public utility water service in Tract No. 3726 from its public utility water system in Tract No. 2060 and more specifically by means of a main connected in the north side of Filmore Street just westerly of Arthur Drive.

Reginald H. Knaggs
REGINALD H. KNAGGS

Subscribed and sworn to before me
this 21st day of July 1960.

Thelma H. Jackson

Notary Public

In and for the County of Los Angeles,
State of California.

THELMA H. JACKSON
My Commission expires MY COMMISSION EXPIRES JAN. 11, 1961