

Decision No. 60641

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

La Mirada Water Co.
15075 Stage Road
La Mirada, California

Complainant,

vs.

Case No. 6394

Gordon D. McComber and Linnie H. McComber,
Trustee
5192 West McComber Road
Buena Park, California

Defendant.

James F. Judge, for Gordon McComber and Linnie H.
McComber, defendants.
John Moore Robinson for La Mirada Water Company,
complainant.
C. O. Newman, for the Commission staff.

O P I N I O N

Public hearing was held in this matter in Buena Park on May 11, 1960, before Examiner Grant E. Syphers. At that time evidence was adduced and the matter now is ready for decision.

The complainant is a public utility water company engaged in the business of selling domestic water principally in the vicinity of La Mirada, in the County of Los Angeles, State of California.

The complaint alleges that the defendant is conducting operations as a public utility water company, and the facts upon which this allegation is based are not in dispute. Both parties

entered into a stipulation to the effect that the defendant is supplying water to two service stations and to a pitch-and-putt golf course. These three users are tenants of defendant, paying rent for the use of the property and, in connection therewith, receiving water.

The evidence discloses that the defendant owns about 135 acres in Orange County bounded by Alondra Street on the north, Stanton Avenue on the east, the Santa Fe Railway right of way on the south, and McComber Road on the west. There are two wells on this property, one of which supplies water to the two gas stations and part of the golf course, and the second of which supplies water to the rest of the golf course.

While defendant charges each service station \$5 per month for water, in addition to the rentals for the land, there are leases covering these rentals under the terms of which the defendant lessor is not obligated to supply water if the wells are not capable of so doing. Furthermore, a ranch which is owned by the defendant takes preference in the use of water from these wells.

Based upon the evidence presented in this case, we now find that the defendant is, in effect, supplying surplus water to the two gas stations and the golf course, and that, under the provisions of Section 2704 of the Public Utilities Code, this operation is not subject to regulation by this Commission. Therefore, the complaint will be dismissed.

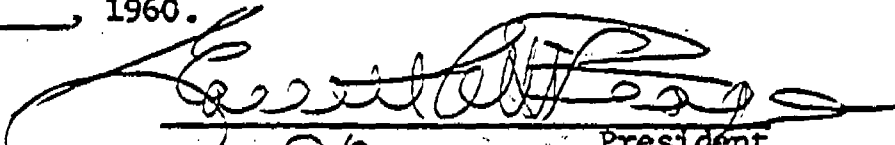
O R D E R


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

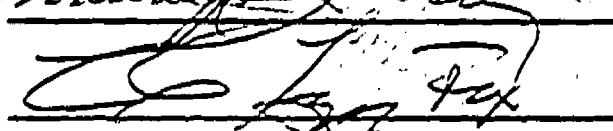
IT IS ORDERED that the complaint of La Mirada Water Company against Gordon D. McComber and Linnie H. McComber, Trustee, be and it hereby is dismissed.

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

Dated at San Francisco, California, this 30th day of August, 1960.



President




Commissioners

Commissioner.....Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.