

ORIGINAL

Decision No. 61242

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rimrock Property Owners Association,
Bert Norman, President,

Complainants,

vs.

Pioneertown Utilities Company,
Pioneertown Corporation, et al,
Pioneertown Corporation's Board of
Directors of the Year 1951, namely:
Russell Hayden, William Murphy,
Fletcher Jones, Attorney J. G. Moser
and Attorney Charles Nichols, Mount
San Gorgonio Water Company,

Defendants.

Case No. 6015

O P I N I O N

By Decision No. 58884, dated August 18, 1959, in Case No. 6015, this Commission declared the Mount San Gorgonio Water Company to be a public utility in Pioneertown, an area in San Bernardino County, and ordered that utility to submit a plan for the development of a satisfactory water system or, in the alternative, a plan for divesting itself of a well and two well sites. Subsequent to this decision the water company adopted a resolution agreeing to transfer to the property owners any and all water rights being used by said property owners in the Rimrock and Pioneertown areas, including all wells, water lines, equipment, and facilities. This divestment was conditioned upon the property owners organizing and establishing an entity qualified by law to receive the water rights, equipment, and facilities.

Further public hearings were held in Yucca Valley on June 10 and 30, 1960, at which time further evidence was adduced. The matter is now ready for decision.

At the hearing the water company took the position that now is not the proper time to make a further investment in the area, and it renewed its offer to divest itself of the facilities and water rights subject to the aforementioned condition. It was further pointed out that the Mount San Gorgonio Water Company has no assets. The Property Owners Association took the position that the purchasers of land in the area were led to believe that they had water rights. Accordingly, they now contend that they are entitled to water from someone but they are not willing, as of now, to accept the offer made by the Mount San Gorgonio Water Company.

We now have a situation where the utility has, in effect, become defunct. This Commission cannot force investors to put additional money into this water company, and it now appears that the only workable solution is for the property owners to make some arrangements to accept the water facilities. If this is not done there is no legal way of forcing the utility to invest further money in this system. There is no utility presently certificated to serve the area and any other or newly formed utility under proper authorization may commence service.

Therefore, we now affirm the findings which we previously made in Decision No. 58384 and make the additional finding that the Mount San Gorgonio Water Company has submitted a plan. If the users in the area do not care to accept this plan, it is not within the province of the Commission to force it upon them.

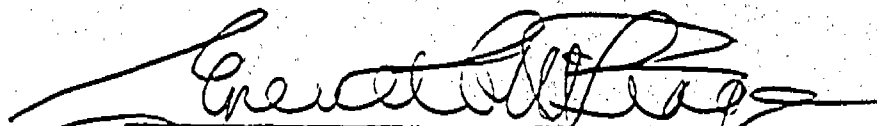
O R D E R

Complaint as above entitled having been filed, public hearings having been held thereon, Interim Decision No. 58884, dated August 18, 1959, having been issued, and the Commission being fully advised in the premises,


IT IS ORDERED that the findings in that decision be and they hereby are reaffirmed.

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


Dated at San Francisco, California, this 20th day of December, 1960.



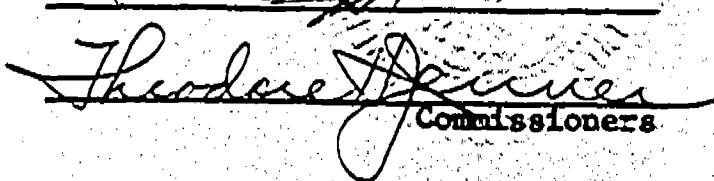
President



Secretary of State



Director



Commissioners