

Decision No. 61883

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JAMES H. ALLEMAN and BERNICE ALLEMAN,)

Complainants,)

vs.)

LEONARD P. WIKOFF,)

Defendant.)

Case No. 6563

Hyer & Graeber by Charles Graeber, for
complainants.

William H. Haupt, for defendant.

Jerry J. Levander, for the Commission staff.

O P I N I O N

By Amended Complaint, dated July 29, 1960, complainants seek to have the Commission declare defendant a public utility, establish a service area and limit the number of consumers.

Public hearing was held on December 14, 1960, in Los Angeles before Examiner Martin J. Porter.

From the evidence of record this Commission finds the following facts.

The area in question is identified as Skyline Highlands, Tract No. 5352, San Bernardino County, California.

The complainants purchased Lot 53 in said tract on the representation made in Exhibit No. 1, Subdivision Report, dated January 14, 1957, from the Division of Real Estate of the State of California.

The pertinent part of such report is as follows:

"Water: There is no regular water service to this tract. The subdivider's engineer advises that water will be served by the subdivider as a private company pending approval of an application to the Public Utilities

Commission for the Anderson Water Co., a public utility to service this property. This tract is contiguous to the present service area of the Anderson Water Co."

The defendant was not one of the subdividers of the above-mentioned tract.

There was no evidence that defendant had any interest in the Anderson Water Co.

Defendant and the subdivider of Tract 5352 had discussions and arrangements regarding the supplying of water to said tract but these arrangements have not been consummated. The defendant had not made any representations to the complainants regarding the supply of water to said Tract 5352. The defendant is a subdivider of land adjacent to Tract 5352. There are water wells on this property which the defendant owns or controls. ✓

The defendant has not served water within said tract.

The defendant does not have a certificate of public convenience and necessity as a public utility water company.

This case was submitted on December 14, 1960, subject to the filing of a late exhibit, No. 8, within ten days.

This exhibit was a map from which the defendant, Leonard P. Wikoff, had testified and as there were not copies available the defendant undertook to secure the same for the complainants, Commission staff, and the official file.

Based on the record in this proceeding and the above findings of fact, we conclude there is no evidence supporting the complainants' allegation that the defendant is a public utility subject to the jurisdiction of this Commission.

O R D E R

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that the complaint of James H. Alleman and Bernice Alleman is hereby dismissed.

This opinion and order shall become effective ten days after the date hereof.

Dated at San Francisco, California, this 25th day of April, 1961.

Grant H. Leary
President
John E. Mitchell
John F. Fox
George H. Grover
Frederick B. Holbrook
Commissioners