

Decision No. 63599**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORCUTT TOWN WATER COMPANY,  
a California corporation, Complainant

vs.

MIRAFLORES WATER COMPANY  
and/or  
OAK KNOLL WATER COMPANY, DefendantsCase No. 7319INTERIM ORDER

Complainant water utility alleges that its service area and plant facilities are approximately 1280 feet westerly of the west boundary of Tract No. 10081, Santa Barbara County, which tract is in the area of complainant's pending application for a certificate. It alleges it has installed and equipped a new well within 1280 feet of such tract, and is ready and able to serve customers therein as service is required. Complainant alleges it has advised the property owners and the developer of its willingness to serve water in that tract under Rule 15 of its tariff, that the developer has advised complainant of developer's desire to have complainant submit a cost estimate for water facilities to be installed in the tract, and has also advised complainant that an existing main extension agreement with defendants may not be a binding agreement due to alleged misinformation pertinent to that agreement.

Complainant alleges it has not been successful in securing a working agreement with defendants concerning service area boundaries for the respective companies; that all of defendants' systems southerly of Clark Road are not within a certificated area, and in fact may not be a part of defendant Miraflores Water Company, a certificated utility, but may be a part of defendant Oak Knoll Water Company, an uncertificated water purveyor.

Complainant seeks an order directing defendants to desist from

construction work in Tract No. 10081 pending further order.

The relief sought by complainants is contemplated by the Public Utilities Code under the circumstances alleged in the complaint. Section 1006 provides as follows:

"1006. When a complaint has been filed with the commission alleging that a public utility of the class specified in Section 1001 is engaged or is about to engage in construction work without having secured from the commission a certificate of public convenience and necessity as required by this article, the commission may, with or without notice, make its order requiring the public utility complained of to cease and desist from such construction until the commission makes and files its decision on the complaint or until the further order of the commission."

Good cause appearing, IT IS ORDERED that Miraflores Water Company, Incorporated, a corporation, and Oak Knoll Water Company, a corporation, and their 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 to Tract No. 10081, County of Santa Barbara, as described in the complaint herein and in the exhibits thereto.

Public hearing shall be held before such Commissioner or Examiner and at such time and place as may hereafter be designated.

The Secretary is directed to cause a certified copy of this order, together with a copy of the complaint herein, to be served forthwith by registered mail upon each defendant. Defendants are directed to serve and file their answers to the complaint within ten days after such service. The Secretary is also directed to cause a copy of this order to be served upon complainant.

The Secretary is further directed to cause appropriate notice of hearing to be mailed at least five days before the hearing

herein, it being found that public necessity requires a hearing on less than ten days' notice.

Dated at San Francisco, California, this 24th day of APRIL, 1962.

\_\_\_\_\_  
 President  
*[Signature]*  
 \_\_\_\_\_  
*[Signature]*  
 \_\_\_\_\_  
*George G. Grover*  
 \_\_\_\_\_  
*Frederic B. Holcomb*  
 Commissioners

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