

ORIGINALDecision No. 64219

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations and practices of DYKE WATER COMPANY, a corporation, DYKE LANSDALE as President of said corporation, L. D. LANSDALE as Vice-President of said corporation, and ARLYNE LANSDALE as Secretary-Treasurer of said corporation.

Case No. 6361

Frederick L. Simmons, for Dyke Water Company, respondent.

J. L. Lyon, President, for Pacific Water Co., interested party.

Franklin G. Campbell, for the Commission staff.

O P I N I O N

On January 12, 1960, this Commission issued Decision No. 59492 herein. Paragraphs 5 and 6 of the Interim Order of said decision provide as follows:

"5. That pending further order of this Commission, the Dyke Water Company shall continue to serve Tracts Nos. 2639, 2897, 2898, 2712 and 3473 in the City of Westminster from its water main crossing Westminster Avenue near Yockey Street and any other of its water mains, except the one referred to in paragraph 1 of this order, which are connected to the water mains located in these five tracts.

"6. That the submission of Case No. 6361 is hereby set aside and further hearings in this matter shall be held before such Commissioner and examiner and at such time and place as may be hereafter designated."

Further hearing in this matter was held in Los Angeles on May 9, 1962, before Commissioner C. Lyn Fox and Examiner Wilson E. Cline. At the close of the hearing the matter was taken under submission.

At the hearing the parties stipulated that Dyke Water Company is complying with the interim order of Decision No. 59492.

Resolution No. 400 of the City Council of the City of Westminster adopted April 16, 1962, and introduced into evidence in this proceeding as Exhibit No. 4 in part reads as follows:

"Now, Therefore, the City Council of the City of Westminster does hereby resolve and order as follows:

"Section 1. That the Public Utilities Commission be urgently requested that their Decision No. 53862 be continued in full force and effect in order that the Dyke Water Company may be allowed to continue to serve the subdivision tracts in the City of Westminster as hereinabove referred to [Tracts Nos. 2639, 2718, 2897, 2898 and 3473], until such time as the city is ready and able to furnish water service to said tracts."

The record shows that Dyke Water Company is supplying water to these tracts through an interconnected system which has an adequate source of water supply. The quality of the water is satisfactory, and there have been no service complaints by customers in the area.

Ultimately, the City of Westminster may arrange to have these tracts served by Orange County Water District No. 5, but there is no indication when the boundaries of this water district may be extended to permit such service.

Well No. 19 of Pacific Water Co.^{1/} is available to supply water to these tracts, and it will provide an adequate supply for service during the peak summer season. The transmission main of Pacific Water Co. from No. 19 could be connected to the tracts which are involved herein by a four-foot connection within three or four hours.

At the present time, however, Pacific Water Co. has no adequate alternate source of water supply. Pacific Water Co. has

^{1/} By Decision No. 64011 in Application No. 44579 Southern California Water Company was authorized to acquire substantially all of Pacific Water Co.'s water systems including the system here involved.

a site on which a new well could be drilled, but there is no certainty that such a well would produce an adequate alternate supply of water. Furthermore, Pacific Water Co. has not arranged for the necessary financing to enable it to proceed with the development of such a well.

All parties are agreed that Pacific Water Co. should not serve these tracts until it does have an adequate alternate source of water supply.

Findings

The Commission hereby finds that public convenience and necessity require that Dyke Water Company continue to serve water to Tracts Nos. 2639, 2897, 2898, 2718 and 3473 in the City of Westminster until such time as the City of Westminster is ready, able and willing to furnish water service to said tracts or until such time as the Commission on its own motion or upon the petitioning of one of the parties hereto reopens this proceeding and modifies the order issued herein.

O R D E R

A public hearing having been held in the above-entitled matter and the Commission being informed therein,

IT IS ORDERED that the Dyke Water Company shall continue to serve water to Tracts Nos. 2639, 2897, 2898, 2718 and 3473, in the City of Westminster until such time as the City of Westminster is able, ready and willing to furnish water service to said tracts and so notifies this Commission and Dyke Water Company in writing, or until such time as the Commission on its own motion, or upon the

petitioning of one of the parties hereto, reopens this proceeding and modifies this order.

The Secretary of the Commission shall cause certified copies of this order to be served by registered mail upon Dyke Water Company and the City of Westminster.

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

Dated at San Francisco, California, this 11th day of SEPTEMBER, 1962.

George G. Grover
President

D. Lynn Fox

Frederick B. Hubloff

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

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