

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition of the CITY OF GARDEN GROVE, a municipal corporation, to have fixed the just compensation to be paid for that portion of the Water System of the DYKE WATER COMPANY, a corporation, FARMERS AND MERCHANTS BANK, and DOES 1 THROUGH 100, BOTH INCLUSIVE, existing within the City of Garden Grove, in portions of the Cities of Stanton, Santa Ana and Orange, and in portions of unincorporated territory adjacent to the City of Garden Grove, and commonly known as the "GARDEN GROVE SYSTEM".

Application No. 44634
(Filed July 12, 1962)

City of Garden Grove, by Willard R. Pool, petitioner.
 Dyke Water Company, by Richard P. Roe and Chris S. Rellas, respondent.
J. T. Phelps and Parke L. Boneysteele, for the
 Commission staff.

INTERIM OPINION AND ORDER

On July 12, 1962, the City of Garden Grove, a municipal corporation, hereinafter called petitioner, filed a petition of the second class under Division I, Part I, Chapter 8 of the Public Utilities Code, reciting that petitioner intends to initiate proceedings, as may be required under the law governing petitioner, for the purpose of submitting to the voters of petitioner a proposition to acquire, under eminent domain proceedings, that portion of the Dyke Water Company system lying within the City of Garden Grove and adjacent to said city, for public use by petitioner and requesting that this Commission fix the just compensation to be paid by petitioner for the taking thereof. Thereafter, as required

by the Code, the Commission issued its order directing Dyke Water Company, hereinafter called respondent, and others, to appear and show cause, if any they had, why the Commission should not proceed to hear the petition and to fix just compensation.

On September 13, 1962, the return date of the order to show cause, hearing was had before Examiner F. Everett Emerson at Los Angeles. At such hearing counsel for respondent Dyke Water Company stated respondent's objections, said objections relating generally to the constitutionality of the statutes and the jurisdiction of the Commission. Respondent presented one witness who testified respecting the possible formation of a water district which might also be interested in the taking of respondent's water system. No objection was interposed by any other party.

We find no merit in respondent's objections. Similar objections have been rejected by the Supreme Court on a number of occasions. The objections will be overruled and the Commission will proceed under the law to hear the petition and to determine and to fix the just compensation for the properties sought to be taken by petitioner. Accordingly,

IT IS ORDERED that:

1. Objections raised by respondent Dyke Water Company on the return date of the order to show cause be and they are hereby overruled, and

2. Further hearings in this matter shall be held at such times and places as may hereafter be set.

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

Dated at San Francisco, California, this 16th day of OCTOBER, 1962.

George H. Grover
President
W. J. H. H. H. H.
W. J. H. H. H.
W. J. H. H. H.
Fredrick B. Holbert
Commissioners