

Decision No. 70632

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SAN GABRIEL VALLEY WATER COMPANY,)

Complainant,)

vs.)

SUBURBAN WATER SYSTEMS,)

Defendant.)

Case No. 8399

INTERIM ORDER

The complaint herein, filed April 28, 1966, alleges that complainant has received a certificate of public convenience and necessity to operate a public utility water system within the area outlined in red on the map attached to the complaint as Exhibit A, including the portion of Lot 14, Map Record Book 4, page 248, Los Angeles County, within said red boundary, as indicated upon said Exhibit A.

The complaint also alleges that since before the date of the granting of the certificate and continuously to the present time, complainant has furnished and is furnishing public utility water service to all of the area occupied by Challenge-Cook Bros., Inc., shown on Exhibit A.

The complaint alleges that defendant does not have a certificate of public convenience and necessity authorizing it to provide public utility water service within the area certificated to complainant.

The complaint further alleges that defendant and/or its agents are about to commence construction of a connection

or connections within the area certificated to complainant and outside the area certificated to defendant.

The complaint further alleges that defendant is about to engage in construction work in the area certificated to complainant without having secured from the Commission a certificate of public convenience and necessity as required by Article 1 of Chapter 5 of Division 1 of the Public Utilities Code, and that such construction will interfere with the operation of complainant's water system now serving the area.

The complainant alleges that unless defendant, and/or its agents, are immediately restrained and ordered to cease and desist from providing water service to Challenge-Cook Bros., Inc., in the area now served by complainant, serious and irreparable injury will be caused complainant.

Complainant requests in part that the Commission immediately issue its order restraining defendant, and/or its agents, and order them to cease and desist from installing connections or other facilities in the area certificated to it for the purpose of providing water service to Challenge-Cook Bros., Inc., pending hearing and decision on the complaint herein.

The relief sought by complainant is contemplated by the Public Utilities Code under the circumstances alleged in the complaint.⁽¹⁾

(1) Section 1006 provides as follows: "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 HEREBY ORDERED that Suburban Water Systems, a corporation, and/or its agents, shall immediately cease and desist and shall refrain from installing connections or other facilities for providing water services to Challenge-Cook Bros., Inc., within the area described in the complaint and in Exhibit A attached thereto until the Commission makes and files its decision herein or until the further order of the Commission.

Case 8399 is hereby assigned to Commissioner Frederick B. Holoboff and Examiner Robert A. Barnett and public hearing therein is set before said Commissioner or Examiner or such other Commissioner or Examiner as may hereafter be designated, at 10 o'clock A.M. on Wednesday, May 11, 1966, in the Commission Courtroom, State Building, 107 South Broadway, Los Angeles, California, it being found that public necessity requires a hearing on less than ten days' notice.

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 Suburban Water Systems, a corporation. Said defendant is directed to serve and file its answer to the complaint herein on or before May 9, 1966.

The Secretary is also directed to cause a certified copy of this order to be mailed forthwith to the complainant.

Dated at San Francisco, California, this 29th day of April, 1966.

Frederick B. Holoboff

President
George F. Hoover

W. J. ...

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

-3- Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.