

ORIGINAL

Decision No. 72450

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RIM ROCK PROPERTY OWNERS ASSOCIATION,
INCORPORATED,)
Complainants,)
vs.)

PIONEERTOWN UTILITIES COMPANY,
PIONEERTOWN CORPORATION, ET AL,
PIONEERTOWN CORPORATION'S BOARD
OF DIRECTORS of the year 1951
namely: (RUSSELL HAYDEN, WILLIAM
MURPHY, FLETCHER JONES, ATTORNEY
J. G. MOSER AND ATTORNEY CHARLES
NICHOLS), MOUNT SAN GORGONIO WATER
COMPANY, HESTER GUINAN, GOLDEN
EMPIRE, (LAND DEVELOPMENT COMPANY).)
Defendants.)

Case No. 8489
Filed July 28, 1966

Irene Fox for complainant.
Alice V. Fellers for Pioneertown
Businessmen's Association, and
Ira L. Osborn, Pat Helm,
Mrs. Daniel Pekarovich,
C. P. Haynie, Evar T. Palmquist,
and Russell Hayden;
interested parties.
R. H. Knaggs for the Commission staff.

O P I N I O N

A public hearing on the complaint was held before Examiner Rogers in Yucca Valley on February 28, 1967 and the matter was submitted. Notice of the hearing was mailed to the defendants listed in the complaint at their last known addresses. The notice to Fletcher Jones was returned with the notation that he has moved and the notice was not forwardable.

Prior hearings involving the same parties have heretofore been held in Case No. 6015. By Decision No. 58884 dated August 18, 1959 in Case No. 6015, the Commission held that Mount San Gorgonio Water Company was a public utility water corporation and ordered that it submit a plan for development of a satisfactory water system. By Decision No. 61242 dated December 20, 1960 in Case No. 6015, the Commission stated, "We now have a situation where the utility has, in effect, become defunct. This Commission cannot force investors to put additional money into this water company, and it now appears that the only workable solution is for the property owners to make some arrangements to accept the water facilities. If this is not done there is no legal way of forcing the utility to invest further money in this system. There is no utility presently certificated to serve the area and any other or newly formed utility under proper authorization may commence services."

The Commission thereupon affirmed the findings it had made in Decision No. 58884, supra, and made the additional finding "that the Mount San Gorgonio Water Company has submitted a plan. If the users in the area do not care to accept this plan, it is not within the province of the Commission to force it upon them."

The Commission reaffirmed the findings in Decision No. 58884.

At the hearing herein, the parties presented no new facts relative to the Mount San Gorgonio Water Company, its incorporators or its officers. The only new evidence presented in the instant case was that Mrs. Irene Fox and two other parties had incorporated

the Rockwell Water Co., Inc., the principal purpose of which is to engage in the sale of water for domestic and commercial use and to acquire, develop, buy or sell water or water rights and to buy, construct, maintain, operate or sell water company facilities (Exhibit 15).

The Rockwell Water Co., Inc. intends to apply to this Commission for authority to operate a water system in the Rim Rock area. This application is not before the Commission.

The Commission finds that:

1. There is no evidence upon which to order a modification of Decision No. 58884 or Decision No. 61242, in Case No. 6015.
2. There are no circumstances reflected in the record which would or could justify any modification of said decisions or either of them.

The Commission concludes that the case should be dismissed.

O R D E R

IT IS ORDERED that the above-entitled complaint be and the same hereby is dismissed.

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

Dated at San Francisco, California, this 23rd day of MAY, 1967.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners