

ORIGINAL

Decision No. 76765

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's )  
 own motion into the rates, rules, )  
 regulations, tariff schedules, )  
 service, facilities, equipment, )  
 contracts, and practices of John )  
 S. and Evelyn Cavanaugh, dba )  
 Hillview Water Company and John )  
 Huffman. )

Case No. 8817  
 (Filed July 9, 1968)

Thomas P. Kendrick, for John S. Cavanaugh and Evelyn Cavanaugh, doing business as Hillview Water Company, respondents.  
John S. Huffman, in propria persona, respondent.  
Marilyn Feitz, in propria persona, and James Flindt, in propria persona, protestants.  
Henry J. Feitz, County Counsel, for County of Santa Cruz; Donald R. Haile, for Peninsula Properties; F. T. Searls, John C. Morrissey, Robert Ohlbach, Ross Workman, and John C. Lambert, for Pacific Gas and Electric Company; and Randa Marhenke, in propria persona, interested parties.  
William J. McNertney and Gordon A. Johnson, Counsel, Parke L. Boneysteele and Mrs. Anna E. Howard, for the Commission staff.

OPINION AND ORDER

This is an investigation on the Commission's own motion into the rates, rules, regulations, tariff schedules, service, facilities, equipment, contracts, and practices of John S. and Evelyn Cavanaugh, doing business as Hillview Water Company, and John Huffman.

Respondents Cavanaugh have been authorized to operate a public utility water company pursuant to Decision No. 60061, dated May 9, 1960, in Application No. 41864. Respondents presently serve about 149 customers in the Vienna Woods and Park Wilshire Subdivisions, located approximately 1-1/2 miles west of Aptos, Santa Cruz County.

Respondent Huffman, as Receiver of the property of Hillview Water Company under order of the Municipal Court of Santa Cruz County on June 3, 1968, was given the power and duty by the Court to take charge of the property of Hillview Water Company and to maintain and conserve said property.

The purpose of the investigation was to determine the following:

1. Whether the operations, rates, rules, regulations, tariff schedules, service, facilities, equipment, contracts, finances, and practices of respondents, or one or more of them, are unreasonable or inadequate.
2. Whether the water wells of Hillview Water Company are producing sufficient water to supply the consumers of said company.
3. Whether respondents have failed to perform necessary maintenance and inspection of the water supply system of said company, including automatic pump control equipment.
4. Whether respondents have failed to make provision for the acquisition of sufficient "back up" emergency water supplies.
5. Whether respondents' certificate of public convenience and necessity should be rescinded, altered or amended.
6. Whether respondent Huffman is a public utility water corporation under Section 241 of the Public Utilities Code.
7. Whether respondents, or any of them, should be ordered to cease and desist from any and all unauthorized practices or operations.
8. Whether any other order or orders should be issued by this Commission in the lawful exercise of its jurisdiction.

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Pending hearing of the above matters, respondents were ordered to immediately take such steps as were necessary to continue water service to consumers of said company, including but not limited to, repairing, or otherwise providing equipment necessary to pump adequate water supplies; daily observing water levels in water storage tanks to determine when supplies become low, and making available company funds or otherwise making provision for the acquisition of sufficient "back up" water to supply emergency needs of said company.

Hearings were held at Santa Cruz before Examiner Gillanders on August 6, 7, and 12, at San Francisco on August 13, 14 and 21, at Santa Cruz on October 28 and 29, 1968, on February 13, 1969 at San Francisco, and at Santa Cruz on May 7, July 7 and 8, 1969.

On October 1, 1969, the Commission was informed that the Cavanaugh's had agreed to sell their system to the County of Santa Cruz and that the County of Santa Cruz had agreed to purchase the system of respondents. Since October 1, 1969, this Commission has received no communications from respondents, protestants or interested parties.

Therefore, IT IS HEREBY ORDERED that Case No. 8817 is discontinued.

Dated at San Francisco, California, this 10<sup>th</sup> day of FEBRUARY, 1970.

William J. Lyons, Jr.  
President

George W. ...

J. ...

...

Vernon L. ...

Commissioners