

Decision No. 79142**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
 motion into the status, rates, rules,)
 regulations, operations, service, fa-)
 cilities, equipment, contracts and)
 practices of ELBERT A. LAND and)
MINNIE THELMA LAND, individuals, do-)
 ing business as Land Water Company.)

Case No. 9173
 (Filed January 13, 1971)

Elbert A. Land, for Land Water Company,
 respondent.
John A. Gromala, in propria persona,
 interested party.
William Figg-Hoblyn, Attorney at Law,
 for the Commission staff.

INTERIM OPINION

On January 13, 1971, the Commission issued its order of investigation for the purposes of determining:

- a. Whether respondents, or either of them, should be ordered to continue in the performance of public utility service until prior Commission authorization for acquisition of their public utility water company by another legal entity is granted pursuant to Section 851 of the Public Utilities Code.
- b. Whether any such transfer as set forth in paragraph 1 above, that may have already occurred, should be declared void pursuant to Public Utilities Code, Section 851.
- c. Whether the operations, rates, rules, regulations, tariff schedules, service, facilities, equipment, contracts and practices of respondents, or either of them, are unreasonable or inadequate and should be ordered corrected by respondents, or either of them.

- d. Whether respondents, or either of them, should be ordered to cease and desist from any and all unauthorized practices, conduct or operations, should they be found to exist.
- e. Whether respondents are complying with the Commission orders of Decision No. 77045, and if not whether respondents, or either of them, should be found in contempt of the Commission.
- f. Whether any other order or orders should be issued by the Commission in the lawful exercise of its jurisdiction.

Public hearing was held before Examiner Porter at Fortuna on May 5, 1971, and the matter was submitted.

The staff introduced Exhibit No. 1 which sets out the history of this system and the results of their field investigation which point out that respondents have not complied with prior Commission orders. This investigation was hampered by the fact that respondents could not produce records for the staff so that it could evaluate the financial aspects of the respondents' system.

The respondents, through coowner Elbert A. Land, testified that lack of funds prevented the respondents from complying with Commission orders.

It was recommended by the Commission staff that a future hearing be held when records are available to determine the feasibility of compelling respondents to correct their water system.

Based on these facts the Commission finds and concludes that a further investigation should be made into the financial aspects of respondents' water system.

In the interim the respondents are placed on notice that no transfer or abandonment of public utility property should be affected without prior order of this Commission.

INTERIM ORDER

IT IS ORDERED that:

1. No transfer or abandonment of public utility property of the respondents' water system shall be effected without prior order of this Commission.

2. The Commission staff shall conduct an investigation into the financial ability of the respondents to comply with prior Commission orders.

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

Dated at San Francisco, California, this 8th day of SEPTEMBER, 1971.

Chairman

Commissioners