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ORIGINAL

Decision No. 79198

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the ownership, status, operations, service, equipment, facilities and records of RIVERSIDE GROVE WATER COMPANY, INC., and Gerald W. Smith, Paul R. Teilh, Hubert H. Teilh, Alice Teilh Rose, and Dennis Weller.

Case No. 9241
Filed June 29, 1971

In the Matter of the Application of RIVERSIDE GROVE WATER COMPANY, for authority to discontinue water service as a public utility.

Application No. 52821
Filed August 23, 1971

INTERIM OPINION AND ORDER

Respondent Smith, on September 8, 1971, stipulated in open hearing before this Commission that he individually and Riverside Water Company, Inc., would be responsible for maintaining water service within the tariff district of Riverside Grove Water Company and that service would not be terminated without prior 30-day written notice to the Commission, to the company and to Henry J. Faltz, as attorney for the Riverside Grove Homeowner's Association.

On September 27 the staff filed a motion for an interim order to compel Gerald W. Smith to operate and manage the Riverside Grove Water Company as set forth in the above-described stipulations. To the motion was attached an affidavit of John S. Fick, staff counsel, averring that respondent, on September 27, 1971, stated to declarant Fick his intent to disconnect service to the company's subscribers on September 29, 1971.

Based upon the evidence adduced in hearings in the above-entitled case and on the affidavit of John S. Fick, we find that:

1. Respondent Smith owns all the stock of Riverside Grove Water Company, Inc., and the corporation has no board of directors or officers, and respondent Smith directly and completely controls the actions of the corporation.

2. Riverside Water Company, Inc., is an admitted public utility water corporation having tariffs on file obligating it to provide water service to the public located within the company's service area.

3. There are a significant number of year-round residents within the service area.

4. Termination of water service would cause irreparable injury to all customers and adversely affect the health and safety of customers presently residing in the tract.

We conclude that:

1. Riverside Grove Water Company, Inc., and Gerald W. Smith are each water corporations and public utilities within the meaning of Sections 216(a) and (b), and 241 of the Public Utilities Code.

2. The public interest requires that water service be maintained until further order of the Commission.

IT IS HEREBY ORDERED that:

1. Gerald W. Smith and Riverside Water Company, Inc., and each of them, shall, until further order of the Commission maintain and provide water service to the members of the public having service

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connections within the service area of said corporation, subject to the conditions of the tariffs of said corporation now on file with the Commission.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 28th day of SEPTEMBER, 1971.

William J. Sparrow, Jr. Chairman
Vernon L. Sturgeon
Edward J. Vukasin, Jr. Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.