

ORIGINAL

Decision No. 81639

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JORDONS, a partnership,
GOLDEEN'S PENINSULA, a corporation,
Complainants,

vs.

CITIZENS UTILITIES COMPANY of
California, a corporation,
NORTH LOS ALTOS WATER COMPANY,
a Subsidiary,
Defendants.

Case No. 9491
(Filed December 27, 1972)

Don Goldeen, for complainants.
William G. Fleckles, Attorney at Law,
for Citizens Utilities Company of
California and North Los Altos Water
Company, defendants.
Richard S. Whitmore, Attorney at Law,
for the City of Mountain View,
intervenor.

OPINION AND ORDER OF DISMISSAL

In summary the complainants alleged that:

1. They had requested water service from the city of Mountain View which operates a municipal water system in the vicinity of complainants' new Mountain View store.
2. Even though a city service connection was already located on complainant's property, the city refused to serve unless North Los Altos Water Company (Company) waived its rights under Public Utilities Code, Sections 1501 et seq. (service duplication); the store is within the Company's claimed service area.
3. A Company connection would cost approximately \$7,200 for a main extension without any assurance of refund.
4. Complainants had already, as owners of the property, assumed a substantial assessment for water main extensions by the city.

Complainants asked either for an order that Mountain View be authorized to extend service to the property or that defendant utility be required to extend service without cost to complainants.

Defendant's responsive pleading contends that Citizens Utilities was misjoined. The Company claims that the demand for a main extension advance was in accordance with its tariff main extension rule, and that a free extension would be "in contravention of the intent and purpose of the main extension rule prescribed for water utilities by this Commission". It also contended that any waiver of its right to serve the property in question would adversely affect the utility and its other customers.

Mountain View petitioned to intervene on the ground that the subject matter of the complaint involved a dispute between Mountain View and defendants, and that were defendants to prevail, the city would be injured by a service duplication.

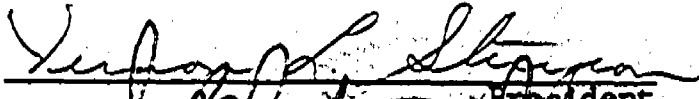
Hearing was held before Examiner Gilman on March 16, 1973 in San Francisco. As indicated, complainants appeared without counsel. After statements and arguments by the parties, the city's counsel indicated that he would re-refer complainants' request for service to his client. The matter was then taken off calendar.

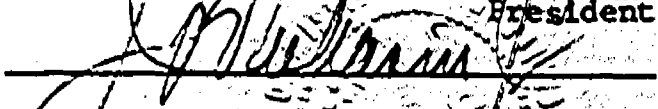
Complainants have indicated that the city is now providing water service to the property in question.


As the complainants have been satisfied, IT IS ORDERED that the complaint is dismissed.


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

Dated at San Francisco, California, this 24th day of JULY, 1973.



President






Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.