

Decision No. 81745**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the status, operations, service, maintenance, facilities, equipment, water supply, practices, rates, rules, tariff schedules and records of James J. Downey, dba Greenvue Estates Water Company, Inverness Park Water Company, Kenwood Village Water Company, Penngrove Water Company, Point Reyes Water Company, Rio Dell Water Company, and Russian River Terrace Water Company; and James J. Downey and W. H. Appleton, dba Canon Manor Water System; and Happy Acres Water Co., Inc., in Sonoma and Marin Counties.

Case No. 9076

ORDER GRANTING LIMITED REHEARING  
AND LIMITED STAY

James J. Downey having filed a petition for rehearing and stay of the effective date of Decision No. 81621; and good cause appearing,

IT IS ORDERED that:

1. Rehearing of Decision No. 81621 is hereby granted for the limited purpose of receiving such evidence as may be offered by respondent James J. Downey as to the impossibility of respondent to comply with certain portions of the order in Decision No. 81621 and the impossibility of respondent to comply with the remaining portions of Decision No. 81621 within the time prescribed therein, and any rebuttal to this evidence.

2. Ordering paragraphs 1, 2, and 3 of Decision No. 81621, which impose the affirmative duties which respondent alleges, by

verified petition, to be impossible of compliance as ordered, are hereby stayed pending further order of the Commission.

3. Ordering paragraph 4 of Decision No. 81621, limiting service of the named water utilities controlled by respondent James J. Downey to those customers presently being served, is necessary for the protection of existing customers and was not protested by respondent. Therefore, ordering paragraph 4 shall not be stayed and shall become effective on the date of this order.

4. Rehearing of Decision No. 81621, as limited by this order, shall be held before Examiner Cline in the Commission Courtroom, State Building, 350 McAllister Street, San Francisco, California, at 10:00 a.m., Wednesday, September 19, 1973.

5. Following completion of the limited rehearing of Decision No. 81621, the Examiner may proceed to matters enumerated in ordering paragraph 5(c) of Decision No. 81621, which is not affected by this order. This encompasses evidence on what, if any, further improvements should be ordered to be made by respondent.

The effective date of Decision No. 81621 is hereby stayed, with the exception of ordering paragraphs 4 and 5(c).

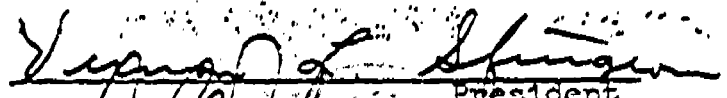


The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 14th day  
of AUGUST, 1973.

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

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

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President  
  
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Commissioners