

BP

Decision No. 83413

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PAUL CLIFFORD MILLIKEN,

Complainant,

vs.

ANTELOPE VALLEY WATER COMPANY and
DOMINGUEZ WATER CORPORATION,

Defendants.

Case No. 9787

ORDER SETTING HEARING

Complainant alleges that he is the owner of real property in the certificated service area of defendant water utilities. He further alleges that he asked for a water meter and water service connection from defendants on August 7, 1974. This request was made verbally and by letter. Complainant alleges that an agent and employee of both defendants orally told him that his request was denied because of an asserted water shortage.

The Commission files disclose Advice Letter No. 21 of defendant Antelope Valley Water Company, an affiliate of defendant Dominguez Water Corporation, filed on August 1, 1974. Advice Letter No. 21 indicates that the utility's only known source of supply cannot support additional demand in its Leona Valley service area. A moratorium on new service connections is proposed to protect existing customers.

Under the terms of Section 455 of the Public Utilities Code, this Advice Letter becomes effective on the expiration of 30 days from the time of filing if not suspended by the Commission. General Order No. 96-A, promulgated by this Commission to implement Section 455, indicates that protests to an advice letter should be received by the Commission not less than 10 days prior to the

effective date of the tariff filing (G.O. 96-A, III, H). The complaint herein was filed on August 26, 1974, which is less than 10 days before the effective date of Advice Letter No. 21.

Advice Letter No. 21 was not suspended by the Commission and is now in effect. No new service connections may be made by defendant Antelope Valley Water Company in its Leona Valley service area without prior Commission authorization.

The Commission is well aware of the potential financial injury to complainant that can result from an inability to obtain water service. Our determination to allow Advice Letter No. 21 to become effective was made to protect existing water customers. We note that the complaint does not describe a present need for water service.

In order to mitigate any possible injury or inconvenience to complainant we shall order an immediate hearing on this complaint. The normal pleadings contemplated in our Rules of Practice and Procedure will be waived.

Because of the unusual circumstances of this case and the substantial impact it may have on all present and potential customers, defendant Antelope Valley Water Company will be directed to give notice of this hearing and its subject matter to all its present customers in its Leona Valley service area and to all persons who have or may apply for water connection prior to the date of initial hearing.

IT IS ORDERED that

1. A hearing will be held on this matter on October 1 and 2, 1974, in the Anna M. Davis Room, Lancaster Library, 1150 West Avenue "J", Lancaster, California. The hearing will be before Examiner Fraser, and will commence at 10:00 a.m.

2. Rules of Practice and Procedure pertaining to pleadings prior to hearing are hereby waived for this proceeding.

3. Defendant Antelope Valley Water Company is directed to provide individual notice of the time, place, date, and subject matter of the hearing to all its present customers in its Leona

Valley service area and to all persons applying for service prior to the hearing.

4. All parties to this proceeding, and any person who contemplates intervention, are placed on notice that the Commission intends to proceed expeditiously with this matter, and should be prepared to go forward with such evidence as they wish to present.

The Secretary shall cause personal service of the complaint and this order to be made on defendants.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 4th day of SEPTEMBER, 1974.

Vernon L. Sturgeon
President
William J. Symons, Jr.
William J. Symons, Jr.
William J. Symons, Jr.
William J. Symons, Jr.
Commissioners