

ORIGINAL

Decision No. 84872

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Glen D. Koskela, Berry Matheny,  
Charles Migliavacca and Roger L.  
Yates,

Complainants,

vs.

Brown's Water Works, a public  
utility, the executor, heirs, and  
beneficiaries of the estate of  
Palle H. Andersen, deceased, Does 1  
through 8 inclusive,

Defendants.

Case No. 9888  
(Filed March 26, 1975;  
amended June 2, 1975)

ALBION-LITTLE RIVER FIRE DEPARTMENT,  
BUD THOMPSON, CABI NEWGARD, LENA  
LUZZI, T. L. SPROCK, W. D. PUGH,  
DAVID NIERHAHE, GERRETT GREGORY,  
GLEN KOSKELA, ROGER YATES, SARAH  
ADELMAN, MARK GAUCHE, DON SILL,  
CHARLES MIGLIAVACCA, BYRON D. RANDALL,  
W. B. MATHENY, and MRS. A. L. ROMER,

Plaintiffs,

vs.

EARL LATHAM, CHARLES LATHAM, ALICE  
MAE LATHAM FRAZELL, PEARL D. GROOM,  
PAUL E. ANDERSEN, LOIS B. TOWNSEND,  
HARVEY BEAN, BROWN WATER WORKS, VERNE  
BEAN and PACIFIC GAS and ELECTRIC CO.,  
a public utility, and DOES ONE through  
FIVE, inclusive,

Defendants.

Case No. 9897  
(Filed April 9, 1975;  
amended April 17, 1975)

(Appearances are listed in Appendix A.)

INTERIM OPINION

Hearing on these matters was held before Examiner Coffey on July 1 and 2, 1975 in Mendocino, California.

These complaints result from the attempt of the heirs of the deceased owner of Brown's Water Works to divest themselves of any further responsibility for operation of the system by deeding the system to the customers.

The customers in Case No. 9888 protested that the system was in poor condition, that the water was impure, and that the supply was inadequate, and asked for correction.

By Case No. 9897 the Commission was requested to grant an injunction prohibiting turning off electricity to the pumps and to stop the defendants from attempting to cause Brown's Water Works being unable to function.

The Commission granted interim relief in Case No. 9897 by Decision No. 84314 dated April 10, 1975 ordering the heirs to cease and desist from any action which would cause interruption to the present electric service without prior authorization from the Commission. The requested cease and desist order against Pacific Gas and Electric Company was denied.

At the conclusion of the second day of hearing the following motion, originally made by defendants' attorney and modified by other parties, was granted by the examiner:

Without prejudice to the claim of defendants that they have transferred any interests they might have had in Brown's Water Works and without prejudice to any other claims of defendants or complainants, defendants are authorized to employ Mr. Strelow or others to install

and operate a water chlorination system in the water system; defendants are authorized to obtain estimates of the costs of constructing a complete system; and defendants are authorized to test by drilling or otherwise to determine the ability to establish an adequate water supply upon the property described in Exhibit 23 and in the location identified as Well No. 1. =

These matters were taken off the calendar to provide an opportunity for complainants and defendants to negotiate in good faith to the end that complainants may form a mutual water company to take from defendants the Brown's Water Works. Defendants will operate the system and provide service to complainants during this period. Further hearings on these matters will be held at the request of any party.

Defendants and complainants requested that the motion as granted be distributed to all parties after ratification by the Commission.

Pacific Gas and Electric Company requested that it be permitted to withdraw as a party to the proceeding.

We find that it is reasonable and in the public interest that the parties negotiate a settlement of these complaints and conclude that the motion granted by the examiner should be ratified. The request of Pacific Gas and Electric Company will be granted.

INTERIM ORDER

IT IS ORDERED that:

1. The granting of the following motion by the presiding examiner is ratified:

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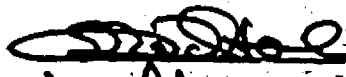
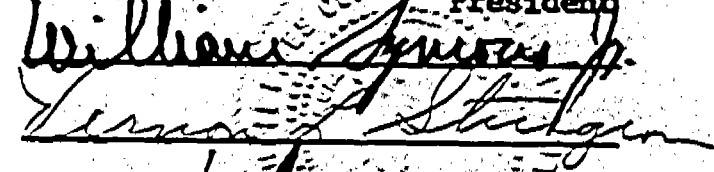
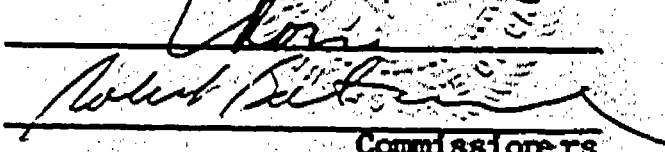
1/ PG&E is not a defendant within the meaning of this motion.

Without prejudice to the claim of defendants that they have transferred any interests they might have had in Brown's Water Works and without prejudice to any other claims of defendants or complainants, defendants are authorized to employ Mr. Strelow or others to install and operate a water chlorination system in the water system; defendants are authorized to obtain estimates of the costs of constructing a complete system; and defendants are authorized to test by drilling or otherwise to determine the ability to establish an adequate water supply upon the property described in Exhibit 23 and in the location identified as Well No. 1.

2. Pacific Gas and Electric Company may withdraw as a party to Cases Nos. 9888 and 9897.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd  
day of SEPTEMBER, 1975.

  
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President  
  
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Commissioners

APPENDIX A

LIST OF APPEARANCES

Complainants: Roger L. Yates, Christopher Charpentier, Harold A. Irish,  
Attorney at Law, Glen D. Koskela, Raymond A. Yates, W. B. Matheny,  
Gerrett W. Gregory, David and Margo Nierhahe, Mrs. A. L. Romer, and  
Arthur Piscitelli, for themselves; Charles Migliavacca, for Water  
Users and Customers of Brown's Water Works; and Jonathan M. Lehan,  
Attorney at Law, for Albion-Little River Fire Protection District.

Defendants: Paul E. Andersen, for himself; Kathy Graham, Attorney at  
Law, for Pacific Gas and Electric Company; and Conrad L. Cox, Attor-  
ney at Law, for Crocker National Bank.

Intervenors: Scott A. Miller, for Mendocino County Health Department,  
and Marguerite C. Dawson, for Whitesboro Grange.

Interested Party: Margarett L. Parducci.

Commission Staff: Freda Abbott, Attorney at Law.