

Decision 89 10 021

OCT 12 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Daon Development)
 Corporation to transfer control of)
 Temescal Water Company (U-383-W))
 and of Temescal Water Company to)
 sell its public utility property to)
 Eastern Municipal Water District of)
 Riverside County.)

ORIGINAL

Application 88-03-020
(Filed March 4, 1988)

(Appearances are listed in Appendix A.)

ORDER OF DISMISSAL

This is an application in which Daon Development Corporation (Daon) seeks authority to transfer control of Temescal Water Company (Temescal) and sell its public utility property to Eastern Municipal Water District of Riverside County (Eastern).

A duly noticed public hearing was held in this matter before Administrative Law Judge (ALJ) Donald B. Jarvis in Corona on August 24 and 25, 1988. Among the issues raised at the hearing were: the jurisdiction of Eastern to acquire property outside of its district boundaries, environmental considerations, and questions relating to the inflow of water and recharging the Temescal Basin. The ALJ adjourned the hearing to a date to be set to permit the development of additional evidence and legal arguments.

On August 16, 1989, Daon and Temescal filed a written request asking that the application be dismissed.

The Commission finds and concludes that the application should be dismissed without prejudice (Code Civ. Proc. 581).

IT IS ORDERED that Application 88-03-020 is dismissed without prejudice.

This order becomes effective 30 days from today.

Dated OCT 12 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

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Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director

WB

APPENDIX A

List of Appearances

Applicant: Armour, St. John, Wilcox, Goodin & Schlotz, by Thomas J. MacBride, Jr., Attorney at Law, for Temescal Water Company; and Gerald D. Shoaf, Attorney at Law, for Eastern Municipal Water District.

Interested Parties: Susan M. Trager, Attorney at Law, for Foothill Properties; Lagerlof, Senecal, Drescher & Swift, by Jack T. Swafford, Attorney at Law, for Temescal Users Association; Don R. Drake, for Canyon Lake Property Owners Association; Rae A. Percy, for El Cerrito Citizens Association; Gerald Pharris, for C. L. Pharris Sand & Gravel and C. L. Pharris Ready Mix as part of Temescal Users Association; and Michael P. Fields, for himself.

Protestants: Downey, Brand, Seymour & Rohwer, by George Basyc, Attorney at Law, for City of Riverside; and Gregory K. Wilkinson, Attorney at Law, for City of Corona.

Commission Advisory and Compliance Division: Gary V. C. Ioo.

(END OF APPENDIX A)