

ORIGINAL

Decision 82 01 71 JAN 18 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LYDIA REESE, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 GARRAPATA WATER COMPANY, )  
 )  
 Defendant. )

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Case 11048  
(Filed November 25, 1981)

ORDER DIRECTING ANSWER

On December 11, 1981 defendant filed a motion to dismiss this case "upon the grounds that the complaint is upon a contract and that the Public Utilities Commission does not have jurisdiction over contract actions, and also upon the grounds that there is a prior action pending between the same parties upon the same subject, to wit: Action No. 27064, Municipal Court of California, County of Monterey, Monterey Peninsula Judicial District." Defendant may be deferring answering the complaint pending disposition of its motion to dismiss.

The complaint in Case 11048 (filed November 25, 1981) concerns the proper application of Rule 15 of defendant's tariffs. We will defer ruling on defendant's motion to dismiss until its answer to the allegations in the complaint is filed and, if indicated, a hearing is held.

C.11048 ALJ/EA/nb

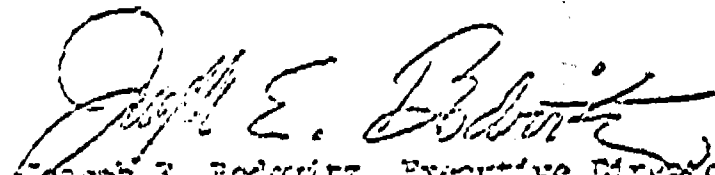
IT IS ORDERED that defendant shall answer the complaint in Case 11048 within 15 days after the date of service of this order.

The Executive Director is directed to cause service of this order to be made forthwith upon defendant by certified mail. This order is effective today.

Dated JAN 19 1982, at San Francisco, California.

JOHN E. DRYSON  
President  
HOWARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR GALVO  
PRISCILLA C. GREW  
Commissioners

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

  
Joseph E. Bodoritz, Executive Director