

ORIGINAL

Decision No. 91716 APR 21 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Frank Perrotta and Virginia Perrotta,
et al.,

Complainants,

vs.

William E. Jones and Edna M. Jones,
et al.,

Defendants.

Case No. 10849
(Filed April 15, 1980)

INTERIM OPINION AND ORDER
RESTORING WATER SERVICE

By verified complaint filed April 15, 1980, Frank Perrotta and Virginia Perrotta (complainants), of 4428 Lazy Lane, San Jose, California 95121, allege that William E. Jones and Edna M. Jones (defendants), P. O. Box 790, Arnold, California 95223, operate a public utility water system that has been providing water service to the complainants, among others, since 1953. Complainants allege that on or about March 20, 1980 defendants arbitrarily discontinued water service to complainants because of the defendants' displeasure about the complainants' locating a mobile home on the complainants' property. The complainants allege irreparable harm will result if water service is not restored, and they request the Commission to immediately issue an order restraining the discontinuance of water service pending further hearing and resolution of their complaint.

Discussion

The termination of water service, whether for agricultural or domestic use, is a matter of grave concern and can cause irreparable

harm. Accordingly, we will herein order the immediate restoration of the water service that existed prior to its alleged termination on or about March 20, 1980. We are, through instructions mailed by our Docket Office and this opinion, directing the defendants to file an answer in this matter within 10 days. Further, we are setting a public hearing in this matter on Monday, May 12, 1980, in San Francisco for the purpose of receiving evidence and argument relative to whether to continue the effect of the following order directing the restoration of water service. Thereafter, hearings may be held on broader questions of public utility status and the service practices of the defendants.

Findings of Fact

1. It is alleged the defendants operate a public utility water system serving the complainants.
2. It is alleged complainants' water service was arbitrarily discontinued by defendants on or about March 20, 1980.
3. Irreparable harm can result from the discontinuance of water service.

Conclusions of Law

1. Pending hearing in this matter the defendants should be directed to reconnect water service.
2. The following order is issued as an emergency measure, and as such can be issued by the Commission outside a regularly scheduled public conference as provided by the California Government Code.
3. Given the emergency nature of the following order it should be effective the date of signature.

IT IS ORDERED that:

1. William E. Jones and Edna M. Jones (defendants), upon service of this order by registered mail, or upon notice and service

in any other manner, shall, with immediate dispatch, restore water service to Frank Perrotta and Virginia Perrotta (complainants) at the property located at 4428 Lazy Lane, San Jose, California, to the same level provided before it was discontinued on or about March 20, 1980.

2. The defendants shall file an answer in this proceeding with the Commission's Docket Office within ten days from the date the complaint was filed.

3. A public hearing in this matter on whether this order should continue in effect pending further resolution of Case No. 10849 will be held Monday, May 12, 1980, at 9:30 a.m. in the Commission's Courtroom, 350 McAllister Street, San Francisco, California, before Administrative Law Judge John B. Weiss.

4. The Process Office shall serve a copy of the order on the defendants by registered mail.

The effective date of this order is the date hereof.

Dated APR 21 1980, at San Francisco, California.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Leonard M. Grimes, Jr., being necessarily absent, did not participate.

John E. Bay
President
Duran L. Sturgeon
Michael V. Kinella

Commissioners