

Decision 93199 JUN 16 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOSEPH W. COOPER, JR. AND MARGARET C. FREEMAN (SILVER RIDGE RANCH),

Complainants,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant.

Case 10920
(Filed October 17, 1980)

ORDER GRANTING INTERIM RELIEF

Complainants are located adjacent to defendant's Miocene Canal and upstream from its Coal Canyon powerhouse, approximately nine miles north of Oroville. For a number of years defendant has sold water from the canal to complainants or their predecessors for irrigation purposes under contract.

The complaint alleges that defendant has been operating as a public utility in providing this service and that rates charged for this service are subject to the Commission's jurisdiction. It requests that an appropriate order be issued. Defendant's answer filed November 26, 1980 denies the allegations in the complaint and requests that the matter be dismissed. Public hearing was held on April 1 and 3, 1981, and the matter was submitted on briefs filed June 3, 1981.

By Petition for Emergency Order Prohibiting Termination, Reduction, or Modification of Water Service filed May 20, 1981, complainants advised that subsequent to the hearing defendant has threatened to reduce and/or terminate their water service if they do not sign and return new contracts for water service to defendant by July 1, 1981. The petition requests that the Commission issue

an interim order prohibiting defendant from discontinuing, reducing, or modifying the complainants' water service and directing it to maintain the status quo of this service pending final decision in this matter. In support of the request, the petition asserts that: (1) complainants will suffer irreparable harm to their crops and livestock if the water supply is in any way reduced or altered, and (2) defendant will not be harmed since it has irrigation water available and will be continuing the same service to complainants it has been providing for many years. An affidavit by Joseph W. Cooper, Jr., one of the complainants, a copy of the defendant's letter of May 8, 1981 to him regarding the proposed new contract and the July 1, 1981 deadline for returning an executed copy, and a copy of the proposed contract are attached to the petition.

Defendant alleges that the Commission has no jurisdiction in the matter and that, as stated in its May 8, 1981 letter to Cooper, it "will revise and make any necessary retroactive adjustments to this contract should such be required to conform this contract to the final CPUC decision in this matter".

The Commission finds that sufficient facts have been alleged to require maintenance of the status quo pending final decision in this matter which will be issued within the near future.

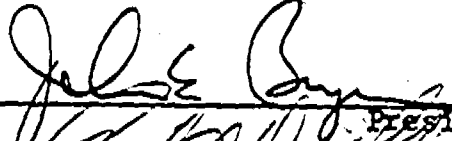
The Commission concludes that:

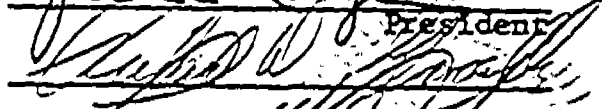
1. Complainants have shown sufficient cause to warrant granting interim relief.
2. This order should be made effective on the date signed because there is an immediate need for the requested relief.

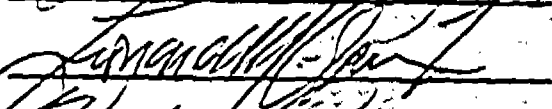
IT IS ORDERED that defendant shall not discontinue, reduce, or modify the water service it has been providing each complainant and shall, in all other respects, maintain the status quo of this service pending final decision in this matter.

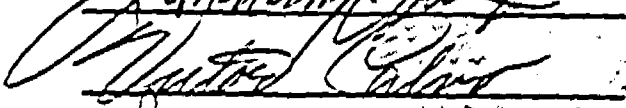
This order is effective today.

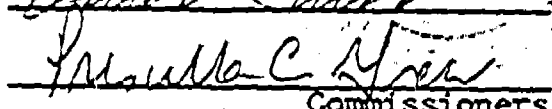
Dated JUN 16 1981, at San Francisco, California.



President








Commissioners