

JUN 11 1997

Decision 97-06-047 June 11, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mill Creek Mutual Water Corporation,

Complainant,

vs.

Land Water Company
Elbert Land,

Defendant.

ORIGINAL

Case 93-08-005
(Filed August 2, 1993)

OPINION

Summary

Land Water Company found to be abandoned and the certificate of public convenience and necessity granted to Land Water Company revoked.

Discussion

This complaint was filed on August 2, 1993. It follows a similar complaint filed by the same complainant asking that we declare the utility to be abandoned and order the facilities of the utility turned over to complainant. That complaint was dismissed when complainant failed to provide legal authority for this Commission to transfer title to the utility property to complainant. (Decision 93-06-015.)

The instant complaint recites a history of poor service by the owner of Land Water Company, Mr. Elbert Land. It further asserts that Land abandoned the system in 1985, and since then Land has stated that he does not own the company and refuses to take any responsibility for it. Complainant alleges it has been operating the system since that time. It further asserts that complainant has spent over \$75,000 in repairs and upgrades on the system.

The Commission has attempted to serve Land Water Company and Land by certified mail. (Public Utilities Code § 1704.) Both efforts were returned by the post office. After repeated attempts the Administrative Law Judge (ALJ) managed to reach Land by telephone. Land denied any responsibility for the water utility in that conversation. It is apparent that Land is no longer operating the water utility and has no intention of operating the system in the future.

Findings of Fact

1. Two attempts by the Commission to serve a copy of the complaint in this matter by certified mail on Land Water Company and Land were unsuccessful.
2. The verified complaint alleges that Land abandoned the system in 1985.
3. The verified complaint alleges that complainant has been running the system since 1985 and has invested over \$75,000 to repair and upgrade the system.
4. The verified complaint alleges that Land has stated that he does not own the system and refuses to take responsibility for it.
5. Land has told the ALJ that he denies any responsibility for the system.

Conclusions of Law

1. A hearing would serve no useful purpose.
2. Land has not operated the system since 1985 and has indicated that he is no longer responsible for the operation of the water utility.
3. Land Water Company has been abandoned by its owner.
4. The certificate of public convenience and necessity to operate a public utility water company granted to Land Water Company should be revoked.

O R D E R

IT IS ORDERED that:

1. The complaint herein is granted.
2. The certificate of public convenience and necessity granted to Land Water Company is revoked. Complainant is cautioned that this order has no effect on the ownership or rights of any property held in the name of Land Water Company.
3. Complaint 93-08-005 is closed.

This order is effective today.

Dated June 11, 1997, at San Francisco, California.

P. GREGORY CONLON
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners