

Decision No. 322459

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
EAST BELL LAND COMPANY, a corporation,
for an order for a certificate of public
convenience and necessity to operate
a public utility service, to-wit, sell
and distribute water to owners, and
purchasers of and residents upon real
property.

ORIGINAL

Application No. 22459.

Edward F. Wehrle, for East Bell Land Company.

Paul Cverton, for Park Water Company.

BAKER, COMMISSIONER.

OPINION ON REHEARING

The Commission on the twenty-fifth day of July, 1939, in Decision No. 32189, in the above entitled application, granted to East Bell Land Company, a corporation, a certificate of public convenience and necessity to operate a water system in a certain tract of 152.45 acres of land now owned by Bandini Estate Company, a corporation, said tract being situate in the County of Los Angeles in the vicinity of the Town of Bell and more particularly delineated upon a map marked Exhibit No. 1 herein.

Subsequently a petition was filed by Park Water Company, a corporation, asking that a rehearing be granted upon the ground that public convenience and necessity did not at the time of hearing and do not now require the granting of such a certificate to operate a water system, and upon the further ground that there will be no demand for water service to this particular parcel of land owned by Bandini Estate Company until and unless said property is subdivided

and offered for sale to the public.

A public rehearing in this proceeding was held in Los Angeles.

Park Water Company is a public utility corporation in which the stock is controlled by H. E. Wheeler, President, and Manager of the concern. This Company supplies water in certain territory adjacent to the 152.45-acre tract involved herein. Mr. Wheeler also operates and controls the Los Nietos Water Company, a public utility corporation selling water in another section of Los Angeles County. Both the Park Water Company and the Los Nietos Water Company have pending before this Commission formal petitions* for permission to extend their present certificated areas to embrace large districts of agricultural lands mainly in acreage. The application of Park Water Company now includes this same and identical Bandini Estate Company tract.

East Bell Land Company submitted no new evidence but rested its case upon the record and the reporter's transcript of the original hearing. The evidence in this phase of the proceeding shows that Bandini Estate Company is owned and controlled by Santa Fe Land Improvement Company, a corporation, subsidiary of The Atchison, Topeka and Santa Fe Railway Company, a corporation. At the original hearing no one appeared for or in behalf of said Estate Company. At the rehearing Mr. U. T. Clotfelter, Vice President of the said Estate Company, testified that while this tract of land was for sale, his company did not itself intend to subdivide the property, and that said company had no preference at this time as to what person, firm, or corporation was ultimately authorized to supply water in the tract, that as an official of the concern

*Application No. 22589, Park Water Company.

Application No. 22592, Los Nietos Water Company.

Mr. Clotfelter testified further he considered that some future purchaser of the land might have definite desires and plans concerning water service on the property and for this reason took the position that the entire question of future water supply to this particular parcel of land should await until there arose an actual demand for water.

The testimony in the original proceeding indicated that Bandini Estate Company had some year or so ago, through an agent, attempted to sell this property and about eighteen months prior to the original hearing had offered to sell the parcel of land to Zelis Gephart, a real estate broker, land subdivider, and public utility water works operator. However, new evidence shows that no sale of this property for subdivision purposes has as yet been made to this or any other operator and nothing of a definite nature of such a transaction in the immediate future appears to be under negotiation. In view of these circumstances and conditions it is an inescapable fact that neither public convenience nor necessity require any water service whatsoever in this tract now or in the near future. The original order in this application therefore will be cancelled and annulled and the certificate will be denied without prejudice. Applicant therefore will be permitted to renew its request for a certificate in the future should conditions so warrant.

O R D E R

The Commission having issued its order reopening the above entitled proceeding for the purpose of taking new and additional evidence, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully

advised in the premises,

IT IS HEREBY ORDERED that Decision No. 32189, dated July 25, 1939, granting a certificate of public convenience and necessity to East Bell Land Company, a corporation, for the service of water to that certain tract or parcel of land now owned by Bandini Estate Company, a corporation, and containing 152.45 acres, situate in the County of Los Angeles in the vicinity of the Town of Bell, said tract being more particularly delineated upon a map marked Exhibit No. 1 herein, be and it is hereby cancelled and annulled and it is hereby further ordered that the application for said certificate be and it is hereby denied.

For all other purposes, the effective date of this Order shall be twenty (20) days from and after the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 19th day of March, 1940.

Ray L. Rice
Francis P. Miller
David C. Babington
W. H. Baker
Justus J. Coakley
COMMISSIONERS.