

Decision No. ~~12345~~

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of MOUNTAIN PROPERTIES, INC., a California corporation (1) for Extension of the service area of the present Certificates of Convenience and Necessity held by Applicant, and (2) for a Declaration by the Commission that certain property now held by Applicant is not necessary or useful in the performance of its duties as a public utility.

ORIGINAL

Application No. 23239.

George C. Lyon, for Applicant.

Hope Case, for Consumers, Sun Garden Tract.

R. V. Phillips, for Consumers, New Westminster Tract.

A. B. Crane, for Consumers, New Westminster Tract.

John F. Groothins, for Consumers, Silver Acres Tract.

BY THE COMMISSION:

O P I N I O N

Mountain Properties, Inc., a corporation, engaged in the business of supplying water for domestic and other purposes in four separate, non-contiguous areas generally known as Crangewood and Independence Square in Los Angeles County and as New Westminster and Laurel Square in Orange County, asks for a certificate of public convenience and necessity to furnish water service in territory adjoining that now served by each of its present water systems. Applicant further asks that certain property be declared non-operative in the public service.

A public hearing in this matter was held before Examiner E. L. Clark at Los Angeles.

The present and proposed service areas of this utility are delineated upon maps marked Exhibits "A," "D," "E," and "F," attached to the application herein and comprise a total of 2,790 acres of which 2,370 acres comprise new territory. Applicant already has extended its water service into certain portions of adjoining subdivisions and lands now held in acreage both cultivated and held out of production. Some of the owners of these properties have indicated their desire to subdivide in the near future and have requested applicant to provide the necessary water service to their respective properties. The record, however, also shows that certain other lands included within the boundaries of the newly proposed service area are still in acreage and are now devoted to dairying, truck gardening and the growing of various field and orchard crops, and that the owners of said lands have neither requested nor do they have any need or desire for utility water service from Mountain Properties, Inc., or from any other source. Under these circumstances, such lands will be excluded from any certificated area granted applicant in this proceeding.

The following tabulation sets forth statistical data on acreage, consumers and location of the four units:

System	:Present: :Acreage: :Served	:Additional: :Acreage :Requested	: Number : of : Consumers:	Location
Orangewood	80	150	80	Two miles north of Downey.
Independence Square	40	180	130	Two miles east of Norwalk
New Westminster	180	760	122	One mile east of Westminster
Laurel Square	120	1260	185	Four miles west of Santa Ana
Total	420	2370	517	

Applicant has acquired a mutual water system operating in Silver Acres and in Barden Gardens, subdivisions situated in the vicinity of the intersection of 5th Street and Verano Street, about one mile west of Laurel Square in Orange County. The installation of 1,000 feet of pipe will be required to connect this former mutual water plant to applicant's Laurel Square unit. Some twenty consumers along 5th Street now receive service and it appears fair and proper that applicant be granted the right to serve water in that area adjoining and adjacent to said 5th Street as is more specifically described hereinafter.

According to the record in this matter, no other public utility water works or mutual water companies supply water to any lands involved in this proceeding. While no one at the hearing protested against the enlargement of applicant's service area, nevertheless a sufficient and proper showing of public convenience or public necessity was not made for or in behalf of applicant in any territory other than that shown on Exhibits numbered 3, 4, and 5 submitted at the hearing in this matter by F. H. Van Hoesen, one of the Commission's hydraulic engineers, said territory being specifically described as follows:

Orangewood (Exhibit No. 3)

Approximately 75 acres south of and 61 acres north of Anaheim-Telegraph Road near Rosemead Boulevard, adjoining Tracts No. 9389, 9775, 9856 and 10038, Los Angeles County, which tracts are now under service, more fully described as follows:

A triangular area of about 18 acres bounded by Lakewood Boulevard, Lexington-Gallatin Road and Gallatin School House Road;

17.41 acres owned by G. W. Stoakes bounded by Lexington-Gallatin Road on the southeast, Gallatin School House Road on the southwest, Block F of Tract No. 212 on the northwest and Tract No. 9856 on the northeast;

Block F of Tract No. 212, part of Rancho Santa Gertrude, comprising 40 acres, more or less;

Lot 3 of Tract No. 4665, containing about 17 acres;

12.61 acres owned by F. B. Lyon, 11.53 acres owned by G. A. Barber and 11.42 acres owned by G. B. Kellam, being contiguous parcels lying westerly of and adjacent to Manzanar Avenue along the westerly line of Tract No. 9775, and between Anaheim-Telegraph Road and the south line of said Lot 3, Tract No. 4665; and

7.92 acres consisting of two parcels of land on either side of Rosemead Boulevard, bounded on the south by the north line of Tract No. 9775, on the west by Manzanar Avenue, on the north by Shade Lane or its easterly prolongation and on the east by the northerly prolongation of Arlington Avenue; and,

Comprising a total of 136 acres, more or less, all in Los Angeles County.

Independence Square (Exhibit No. 4)

That portion of the S.E. quarter of the N.E. quarter of Section 20, lying south of Tract No. 6234 and north of Firestone Boulevard, and a triangular portion of the S.W. quarter of Section 16 bounded on the northeast by the A. T. & S. F. Railway, on the west by Carmenita Road and on the south by Rosecrans Avenue, all in T. 3 S., R. 11 W., S. B. B. & M. and totaling 80 acres, more or less, in Los Angeles County.

New Westminster (Exhibit No. 5)

Tracts No. 1050 and No. 908, Orange County, and the north one-half of the N.W. quarter of Section 1, T. 5 S., R. 11 W., S. B. B. & M., which includes Tract No. 1027, Orange County, and totaling 110 acres, more or less.

Laurel Square (Exhibit No. 5)

Tracts No. 366 (Silver Acres) and Silver Acres No. 2, being the subdivided area in the east one-half of the S.E. quarter of Section 8; the south one-half of Section 9 as bounded by Hazard Avenue, Harbor Boulevard, Bolsa Avenue and Verano Street, and which includes subdivided Tracts No. 617, 841 (Barden Gardens), 969, and 978, and acreage on either side of Fifth Street; the east three-quarters of S.E. quarter of the N.E. quarter of Section 9 and Tracts No. 447, 554, 546 and 937 in the S.W. quarter of Sec. 10, all in T. 5 S., R. 10 W., S. B. B. & M. in Orange County and comprising 505 acres, more or less.

Under the circumstances, applicant will be authorized to supply water only in the above described tracts or parcels of land wherein it has been sufficiently established that public convenience and necessity require such water service.

Applicant owns Lot No. 102, Tract No. 9775, Los Angeles County, a portion of which is used in connection with water operations of the Orangewood unit. The westerly 68 feet of this lot is not used or useful in the public service at this time and applicant therefore may consider this portion of said lot to be non-operative property, subject to use or disposal without further order of this Commission.

O R D E R

Application, as entitled above, having been filed with the Railroad Commission, a public hearing having been held thereon, the matter having been duly submitted, and the Commission being now fully advised in the premises,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation of a water system or systems by Mountain Properties, Inc., a corporation, in those specific tracts and areas more particularly described and established in the foregoing Opinion.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Mountain Properties, Inc., a corporation, to operate a public utility water system or systems within the territory hereinabove described.

IT IS HEREBY FURTHER ORDERED as follows:

1. That within sixty (60) days from the date of this Order, Mountain Properties, Inc., a corporation, shall file with this Commission a certified copy of

a resolution, duly passed by its Board of Directors, to the effect that it will never claim before this Commission or any other public body an amount for the certificate of public convenience and necessity granted herein in excess of the actual cost of acquiring it.

2. That Mountain Properties, Inc., a corporation, be and it is hereby authorized and directed to place in effect throughout the areas in which a certificate of public convenience and necessity is granted herein, its existing rates, rules and regulations to become effective for all water service supplied within said areas on and after the 1st day of June, 1940, and within thirty (30) days from the date of this Order said company shall file in quadruplicate with this Commission the necessary amendments to its present rates, rules and regulations to cover service within said newly certificated areas, each set of which rules and regulations shall contain a suitable map or sketch, drawn to an indicated scale upon a sheet or sheets approximately 8-1/2 x 11 inches in size, delineating thereupon in distinctive markings the boundaries of the original and presently authorized service areas; provided, however, that such map or sketch shall not thereby be considered by this Commission or any other public body as a final or conclusive determination or establishment of the dedicated area of service, or any portion thereof.

3. That Mountain Properties, Inc., a corporation, shall file with this Commission, within sixty (60) days from the date of this Order, four copies of a comprehensive map or maps drawn to a scale of not less than 600 feet to the inch, upon which shall be delineated correctly by appropriate markings the various tracts of land in the territory for which the certificate is granted herein. This map or maps should be reasonably accurate, show the source and date thereof, and sufficient data to determine clearly and definitely the location of the various properties comprising the entire utility area of service.

IT IS HEREBY FURTHER ORDERED that the westerly 68 feet of Lot 102, Tract 9775, Los Angeles County, be and it is hereby declared non-operative property and neither used nor useful to Mountain Properties, Inc., in the conduct of its public utility business.

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

Dated at San Francisco, California, this 6th day of May, 1940.

Ray L. Rice
George R. Baker
Robert S. Baker
John S. Baker
Justin J. Baker
Commissioners.