

Decision No. 32785

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of ROY E. RANKIN for a certificate
of public convenience and necessity
to operate a public utility water
system.

Application No. 23131

ORIGINAL

Lloyd E. Keiser, for Applicant.

C. F. Culver for Baldwin Park County Water
District.

O'Melveny & Meyers by L. M. Wright for
San Gabriel Valley Water Service.

BY THE COMMISSION:

O P I N I O N

Roy E. Rankin, owning and operating a public utility water system which supplies water for domestic purposes in a service area of 156 acres, situate two and one-half miles easterly of El Monte, Los Angeles County, asks the Commission to grant him a certificate of public convenience and necessity to furnish water service in two adjoining tracts of land totaling 260 acres.

A public hearing in this proceeding was held in Los Angeles before Examiner Stava.

At the hearing a stipulation was filed by and between Applicant and Baldwin Park County Water District providing for the exclusion of 31 acres of land adjoining Francisquito Avenue from the territory for which a certificate is being requested in this proceeding. These lands are situate within the boundaries

of the district and water service is being provided, wherever required, by means of the District's facilities.

The record shows that Applicant was granted a certificate of public convenience and necessity by this Commission in its Decision No. 29231, dated November 2, 1936, to operate a public utility water system in a 156 acre service area, consisting of Tract No. 10104 of 100 acres and an adjoining parcel of 56 acres. Subsequently, San Gabriel Valley Water Service, a corporation, (1) also engaged in the business of supplying water for domestic purposes in the vicinity of El Monte, Los Angeles County, was granted a certificate of public convenience by the Commission in its Decision No. 29954, dated July 16, 1937, to operate a water system in a large area adjoining the territory served by the Rankin system and which included the 260 acres for which a certificate is now being requested. Thereafter Applicant asked the Commission to reopen the proceeding on the grounds that Water Service had not given proper legal notice to all of the interested parties concerning the hearing of the application, and on the further grounds that he had been informed by Water Service that the said 260 acres would not be included in the territory for which a certificate was requested. Petitions for the reopening of the proceeding on similar grounds were also received from Baldwin Park County Water District and Pico County Water District. The Commission thereupon reopened the proceeding and after public hearings rendered its Decision No. 32390, dated September 26, 1939, wherein, among other things, the lands now being asked to be certificated by Applicant were excluded from Water Service service area.

(1) Hereinafter referred to as Water Service.

The evidence shows that the only demand for water service within the 260 acres is on a 6.55 acre tract owned and subdivided by Applicant, and also on a 40 acre subdivision. This latter tract is being supplied with water by a mutual water company. The six acre tract adjoins Applicant's service area and contains one of the two wells that produces water for Applicant's system. The tract is now being supplied with water from this source.

It is apparent from the evidence submitted in this proceeding that the Commission would not be justified in granting Applicant a certificate of public convenience and necessity to serve any of the area applied for except the 6.55 acres referred to above.

O R D E R

Applicant having been filed as entitled above, a public hearing having been held thereon, the matter having been submitted, and the Commission now being 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 by Roy E. Rankin in a 6.55 acre tract situate at the southwest corner of Garvey Avenue and Frazier Street, Los Angeles County, and shown upon a map marked Exhibit No. 3 but more particularly described as follows:

Beginning at the intersection of the center lines of Garvey Avenue and Frazier Streets, thence 910 feet southwesterly along the center line of said Frazier Street to a point opposite N.W. corner Lot 47, Tr. 718; thence 736.51 feet northwesterly to the south line of Garvey Avenue; thence 50 feet northerly to the center line of said Garvey Avenue; thence 2619.50 feet easterly along center line of said Garvey Avenue to point of beginning.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Roy E. Rankin to operate a public utility water system within the territory hereinabove described.

IT IS HEREBY FURTHER ORDERED, that Roy E. Rankin be and he is hereby authorized and directed to furnish water service within the boundaries of the above described territory in accordance with the rates established by the Commission in its Decision No. 29231, dated November 2, 1936, and under the Rules and Regulations filed with the Commission in compliance with the Order of said Decision.

IT IS HEREBY FURTHER ORDERED as follows:

1. That within thirty (30) days from the date of this Order, Roy E. Rankin be and he is hereby directed to submit to this Commission, in quadruplicate, a suitable map or sketch drawn to an indicated scale, upon a sheet approximately 8 $\frac{1}{2}$ " x 11" in size, delineating thereon in distinctive markings the boundaries of the authorized service area hereinbefore described and the location thereof with reference to the surrounding territory, provided, however, that such map or sketch shall not hereby 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.
2. That Roy E. Rankin shall file with this Commission within sixty (60) days from the date of this Order, four (4) copies of a comprehensive map, drawn to an indicated scale of not less than 600 feet to the inch, upon which shall be delineated by appropriate markings the various tracts of land in the territory for which the certificate is granted herein; this map 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.

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 8th day of October, 1940.

Ray & Riley
James H. Hall
Ralph W. Brown
H. Hall
Justus J. Craven
Commissioners.