

ORIGINAL

Decision No. 35574

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of MOUNTAIN PROPERTIES, INC., a California corporation, for Certificate of Public Convenience and Necessity for Extension of Service Area of Water System operating under existing Certificate of Public Convenience and Necessity at Laurel Square and Orangewood.

Application No. 23985
and
Amendment Thereto

George C. Lyon, for applicant.

M. I. Church, for Walnut Irrigation District.

BY THE COMMISSION:

O P I N I O N

Mountain Properties, Inc., a corporation, supplying water for domestic and general use in Orange and Los Angeles Counties asks for a certificate of public convenience and necessity to furnish water service in territory adjoining its Laurel Square system in Orange County and also in an area contiguous to its system in Orangewood, Los Angeles County. By amendment to the original application this request is extended to cover three additional separate non-contiguous areas generally known as Barber City, Hensley Tract and Millar Tract in Orange County.

A public hearing in this matter was held before Examiner MacKall at Los Angeles.

The Railroad Commission in its Decision No. 33068, dated May 6, 1940, granted applicant a certificate of public convenience and necessity to supply water to four non-contiguous areas including Laurel Square, four miles west of Santa Ana, Orange County, and Orangewood, two miles north of Downey, in Los Angeles County. Subsequent to the granting of said certificate, applicant has entered into negotiations with owners and subdividers of approximately 173 acres of lands adjacent to its Orangewood area for extension of water facilities. By amendment,

applicant desires a certificate of public convenience and necessity to supply water to three other non-contiguous tracts in Orange County known as the Hensley Tract containing 15 acres, Millar Tract containing 10 acres, and Barber City Tract containing 28 acres.

According to the record no other public utility waterworks or mutual companies supply water to any of the lands involved herein other than Barber City Tract. Pipe lines have been installed in easements provided for such purposes. There is an ample supply of water to take care of all present and immediate future needs of the areas. No one protested against the requests of applicant.

The Barber City Tract, described as Tract 661 Orange County, is supplied by an existing public utility known as the W. L. Russell Water System, formerly operated by the W. L. Russell Estate after the death of Mr. Russell. This plant now serves water to 28 consumers in the unincorporated town of Barber City, and was acquired by applicant from the estate through a decree of the Superior Court, No. L.B.P. 5585 Los Angeles County, filed as Exhibit No. 12 in this proceeding. At the hearing, the W. L. Russell Estate, through its attorney, asked to be relieved of any further public utility obligations in connection with this property. Applicant proposes to operate the Russell system under the same rates, rules and regulations as now apply.

The extension of the service area of the Orangewood Tract involves operation within a portion of the territory heretofore certificated to the Park Water Company, a public utility operating under authority granted it by the Commission in its Decision No. 30620, dated February 14, 1938. A portion of this area also is now supplied with irrigation water by the Walnut Irrigation District.

Park Water Company made no protest against the granting of applicant's request. It does not serve near or in any part of the area involved in this proceeding and has no present means of supplying water to it through existing facilities. The owners and subdividers of the land appeared and testified that they desired water service from applicant.

Walnut Irrigation District protested on the ground that the district

might desire to change the status of its water operations to include domestic service. Admittedly this district supplies water only for agricultural irrigation purposes at present and has no definite plans for any radical change in the future. Applicant has installed mains on easements covering the subdivided portion of this area and is now serving water to approximately twelve consumers. Other tracts will be subdivided and put on the market for sale as conditions permit.

From the evidence submitted, it appears that a sufficient and proper showing of public convenience and necessity has been made by Applicant.

ORDER

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 or will require the operation of a water system or systems by Mountain Properties, Inc., a corporation, in those specific tracts and areas more particularly described as follows:

Oranewood, Exhibit No. 1

Bounded on the north by the Pacific Electric Railway; on the east by Parsons Blvd.; on the south by the south boundary line of the H. E. Drake and F. L. White properties; on the west by Rosemead Boulevard and Arrington Avenue, containing 108 acres, approximately, in Los Angeles County.

Laurel Square, Exhibit No. 2

1. Tract No. 1022 Orange County records containing approximately 45 acres.
2. A tract of land 330 feet deep extending along and parallel to the southerly side of First Street from 1250 feet west of the intersection of Harbor Blvd. and First Street to a point 1950 feet east of same intersection, Orange County, and containing approximately 20 acres.

Barber City, Exhibit No. 3

Tract No. 661, Orange County, containing 28 acres.

Millar Tract, Exhibits No. 3 and No. 10

Tract No. 482 Orange County records, containing approximately 10 acres.

Hensley Tract, Exhibits No. 2 and No. 9

A tract of land 475 feet in width extending along the north side of Trask Road from its intersection with Golden West Street, easterly for a distance of 1319 feet and containing approximately 15 acres.

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 territories in which a certificate of public convenience and necessity is granted herein, its rates, rules and regulations to become effective for all water service supplied within said area on and after the date of this Order; and within thirty (30) days from the date of this Order, said Company shall refile in quadruplicate with this Commission its rates, rules and regulations combined in one book form covering all its service areas in Los Angeles and Orange Counties; each set shall contain a suitable map or sketch of each service area or district, drawn to an indicated scale upon a sheet or sheets, 8 $\frac{1}{2}$ x 11 inches in size, delineating thereupon in distinctive markings the boundaries of each district service area, attaching the schedule of rates applicable thereto; 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 W. L. Russell Estate be and it is hereby relieved of all public utility liabilities and obligations in connection with the service of water in Tract No. 661, Orange County records.

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 14th day of July,
1942.

Justus P. Reardon
Frank Wiley
M. P. M.
Francis F. Hargrave
Richard R. ...

COMMISSIONERS