

Decision No. 44588**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
MALIBU WATER COMPANY, a California
corporation, for authority to
decrease its dedicated service area.)

Application No. 31521

Morrow & Trippet by Clarence M. Heublein for
applicant; Robert C. Chambers for Malibu Canyon
Property Owners' Association and Sidney Franklin,
Jr. for Malibu Riviera Home Owners' Association,
protestants.

O P I N I O N

Malibu Water Company, a California corporation, by the above-entitled application filed June 20, 1950, requests authority to decrease its dedicated service area.

Public hearings were held before Examiner Warner on July 12, 13, and 14, 1950, at Malibu Beach, California. At these hearings, the matter of this application was consolidated with that of Application No. 30713, Malibu Water Company, for an increase in rates. A separate order will be made for this matter, there being no material connection between the two applications, although heard concurrently.

Malibu Water Company serves water for domestic, commercial, and irrigation purposes in an area extending along the shore line and ocean front of Malibu Rancho Topanga Sequit, north of the City of Santa Monica, in Los Angeles County. The service area comprises several thousand acres, and extends approximately 21 miles along the coast and about 1½ miles in depth northerly from the ocean shore. A certificate of public convenience and necessity was granted to applicant to operate a water system for domestic, commercial, and irrigation purposes in this area by the Commission's Decision No. 31269, dated September 19, 1938, in Application No. 22193. There are more

than 700 customers. Applicant operates an extended system of wells, storage tanks, and transmission and distribution mains in connection with its domestic water system, and a dam in Malibu Canyon, and irrigation and transmission lines for its irrigation system.

Applicant now requests the exclusion from its dedicated service area of that certain parcel of land shown on the map filed with the application as Exhibit B, and more particularly described in Exhibit C attached to the application. As alleged in the application, this land is owned by the Marblehead Land Company which has requested applicant, by Exhibit A attached to the application, to exclude said land from applicant's water service area.

Applicant's witness, R. F. Cross, President, stated that the area requested to be excluded is about 800 feet in length extending from east to west, with the southerly boundary about 200 feet north of the coast highway, comprising some eight acres. It is unpopulated and undeveloped in any way, and the terrain is mountainous. There are no water facilities therein, and no water service is being rendered to any portion thereof. Mr. Cross testified that the exclusion of this land from applicant's dedicated service water area would affect applicant's water service operations neither affirmatively nor negatively.

Protestants alleged that possible oil-well drilling operations might contaminate or reduce applicant's already shortened water supply, but no evidence was submitted sustaining such allegations. Contrariwise, it appears that the granting of the application, by reducing applicant's possible future water service commitments, is in the public interest, and the authority to decrease the dedicated service area, as applied for, will be granted.

ORDER

The above-entitled application having been considered, a public hearing having been held, the matter having been submitted and now being ready for decision,

IT IS HEREBY FOUND AS A FACT that the public interest will be served by the exclusion of the 8 acres, more or less, of land described in Exhibit C, attached to the application, from the dedicated area of Malibu Water Company, comprising a parcel of land some 800 feet in length located about 200 feet north of the coast highway in undeveloped and unserved territory; therefore,

IT IS HEREBY ORDERED that Malibu Water Company be authorized to exclude the herein-described land from its dedicated service area.

IT IS HEREBY FURTHER ORDERED that applicant shall file, within thirty (30) days after the effective date of this order, four copies of a comprehensive map, drawn to an indicated scale of no less than 400 feet to the inch, delineating by appropriate markings the various tracts of land and territory to be excluded from its dedicated service area.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at Los Angeles, California, this 1st day of August, 1950.

Justin F. Green
Harry Lowell
Harold D. Hills
Samuel P. Patton
Commissioners.