

Decision No. 44803

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SAN GABRIEL VALLEY WATER COMPANY for
 a Certificate of Public Convenience
 and Necessity in territory adjacent
 to its Whittier District.

Application No. 30617
 Second Supplemental

OPINION AND ORDER DENYING SECOND SUPPLEMENTAL APPLICATION

In its Second Supplemental Application, filed on September 7, 1950, the applicant requests that the Commission issue an order prescribing the terms and conditions under which applicant should transfer to the Pico County Water District the water distribution facilities installed in a certain tract of land numbered 15662 (also known as the Towar tract), and situated in Los Angeles County.

In Decision No. 43302, issued on September 13, 1949, in Case No. 4989, the Commission ordered the applicant to "cease, desist, and refrain, unless and until it secures from this Commission a certificate or certificates of public convenience and necessity therefor, from constructing service extensions for the purpose of serving water, or from furnishing water service" in certain described territory including said Tract No. 15662.

In the above numbered original application, filed on September 12, 1949, the applicant sought a certificate of public convenience and necessity authorizing service in certain described territory including said Tract No. 15662. On February 21, 1950, the Commission issued Decision No. 43857 upon the aforesaid application granting to the applicant a certificate of public convenience and necessity authorizing water service in certain described

territory not including said Tract No. 15662. In this decision applicant was denied authority to serve water in Tract No. 15662, although it was then in fact serving water in said tract by means of pipelines and distribution facilities installed by it therein. In denying the applicant such authority, the Commission stated the following:

"The protestant district has offered to refund to the subdividers of the Towar Subdivision the cost of the installation of the water system under its resolution providing for refunds similar to the utility's Rule 19. In addition, this resolution provides for refunding the cost of meters as well as the cost of pipe lines and service lines.

As the owners of this Tract No. 15662 will suffer no financial loss by denying the San Gabriel Valley Water Company authority to serve the tract, and as it appears that the district can adequately serve this tract, it will be excluded from the service area of the applicant utility."

On June 16, 1950, applicant filed a first supplemental application alleging that negotiations for the transfer of the distribution system in Tract No. 15662 from the applicant to Pico County Water District had proved unavailing, and requesting that the Commission reopen the original application and grant to applicant the right to serve Tract No. 15662. On July 18, 1950, by Decision No. 44555, this request was denied.

It appears from the present second supplemental application that the applicant is still unable to arrange with Pico County Water District mutually satisfactory terms for the transfer of the water system to the latter, and the Commission is now requested to prescribe such terms.

In the order to follow, such request will be denied.

The Commission regards the applicant's service of water in Tract No. 15662 as a continuing violation of Decision No. 43302.

It is recognized, however, that it is only through the water distribution system owned, controlled, and operated by the applicant that the residents of Tract No. 15662 are presently able to obtain water service. Without intending to condone such violation, the Commission will not take any action calculated to interrupt such service until an alternative method of obtaining water is available to the residents of this tract. When, but not before, Pico County Water District is prepared to render water service to the residents of Tract No. 15662, the Commission will take suitable action to compel the applicant to cease such service, together with any other action that may then be warranted.

The Commission does not deem it appropriate to grant the relief requested in the present second supplemental application.

O R D E R

IT IS HEREBY ORDERED that the Second Supplemental Application No. 30617 be and the same is hereby denied.

The Secretary is hereby directed to serve this order by causing a certified copy thereof to be mailed to the applicant and to Kenneth K. Wright, 215 West 7th Street, Los Angeles 14, California, attorney for Pico County Water District.

Dated at San Francisco, California, this 19th
day of September, 1950.

R. E. Anderson
Justus F. Carlson
Leah F. Powell

Commissioners