

Decision No. 45459

ORIGINAL

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. 31616

Application of Whittier Water Company, a corporation, for a Certificate of Public Convenience and Necessity to serve certain unincorporated territory west and northwest of Whittier, California, and to exercise franchise rights.

Application No. 31766
(Amended)

ORDER DENYING REHEARING AND ORAL ARGUMENT

Whittier Water Company has filed a petition for rehearing and oral argument before the Commission en banc with respect to Decision No. 45277, issued on January 16, 1951, in the above-entitled matters. In our opinion the present petition does not set forth any good cause for the granting of rehearing and oral argument. However, it is believed that certain statements in the decision which have been questioned by petitioner should be clarified.

Petitioner has questioned the statement in the decision to the effect that the dedicated service area of Whittier Water Company may be described as an area "southwest, south and southeast of the City of Whittier, and lying at its closest perimeter about 4 miles south of the area herein being considered" in view of the fact that Whittier is also serving seven customers within the service area certificated by Decision No. 45277. This statement may be clarified by stating that the principal dedicated service area of Whittier lies at its closest perimeter about 4 miles south of the area certificated to San Gabriel Valley Water Company by Decision No. 45277.

Petitioner has further objected to the statement that the record shows that Whittier, in September, 1950, constructed a 6-inch main to the Mill School. The

record, however, actually shows that negotiations between Whittier and the Mill School for an extension of water service were commenced in August, 1949, and that the actual construction work of the 6-inch distribution main to the Mill School was completed on or about September 10, 1950.

The petitioner has also questioned the statement in the decision that no requests to Whittier Water Company for service were offered in evidence at the hearing. The record shows that no written requests to Whittier for service were offered in evidence at the hearing. However, testimony given by John E. Burke, Vice President and Secretary of Whittier Water Company, shows that a request for water service was made by the Mill School Superintendent and that two property owners and prospective subdividers of property comprising a total of approximately 117 acres within the area under consideration approached Mr. Burke with reference to getting water in the event their property was subdivided. Mr. Garnier, President and General Manager, of Whittier, testified that Mrs. Scudder who has filed a written request with the Commission for service from San Gabriel Valley Water Company had also discussed with Whittier Water Company officials the possibility of service to her land by the company.

In view of the foregoing, and good cause appearing, IT IS HEREBY ORDERED that the petition of Whittier Water Company for rehearing and oral argument be and the same is hereby denied.

The Secretary is directed to serve this order by causing a certified copy thereof to be mailed to all parties of record in the above proceedings.

Dated at San Francisco, California, this 13th day of March, 1951.

R. E. Dwyer
Justice J. Coe
Harold Huls
Samuel H. Potts
John E. McCall
Commissioners