

ORIGINALDecision No. 45761

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the operations,)
 etc. of CLYDE HENRY (West Sacramento) Case No. 4819
 Water Company).

Winston A. Langlois, attorney for applicant.ORDER VACATING DECISION NO. 39792

Clyde W. Henry (West Sacramento Water Company) on April 22, 1951, filed with this Commission a petition for an order vacating and setting aside the order portion of Decision No. 39792 in Case No. 4819, issued December 23, 1946. Said decision was issued following an investigation, on the Commission's own motion, into the service and operations of the system as then existent. It directed the installation of certain specific improvements and facilities on petitioner's public utility water system in West Sacramento in order to implement the furnishing of adequate water service in the area. About the time of the public hearing in the matter (April, 1946) petitioner was serving approximately 800 customers.

Washington Water & Light Company, a corporation, requested this Commission in Application No. 28306, filed March 26, 1947, to issue it a certificate of public convenience and necessity for operations in the same area served by Clyde W. Henry in West Sacramento. After public hearing in the matter, the requested certificate was issued by Decision No. 40334, dated May 27, 1947. Washington Water & Light Company thereafter entered the West Sacramento area in direct competition with Henry and many of Henry's customers, particularly the large water users, terminated

their water service with Henry and became customers of the competing system. For the past several years, therefore, two utilities have been serving the area. At the present time the Henry system serves only 454 consumers.

In the instant proceeding petitioner alleges that since the two above-mentioned decisions and the entrance of a competitor into the area, conditions which occasioned this Commission's order for Henry to make system improvements and specific installations have so materially changed that since January 1, 1948, there has been no actual or real reason for the said improvements and installations ordered in Decision No. 39792.

A public hearing on this petition was held before Examiner Emerson in Sacramento on May 14, 1951. At this hearing petitioner testified as to the load relief his system experienced as customers transferred to the competing system and the almost immediate improvement in water pressure resulting therefrom. In addition, evidence was presented that shows that many of the specific installations ordered to be installed have been actually subsequently installed and have resulted in greatly improved service. Quality of water, once the source of many consumer complaints, improved upon completion of the new well and pump installation at 17th and Vermont Avenues in mid-1947 and has since been satisfactory.

Twenty-six of petitioner's customers attended the hearing in this matter. None voiced any complaint. To the contrary, six appeared as witnesses for petitioner and testified that quality, quantity and pressures are now, and since early 1948 have been, entirely satisfactory. Several of these witnesses indicated that they could have taken water from the competing system had they so desired, but that the substantial improvements made by petitioner

caused them to continue as his customers. One witness, who has lived in the area for the past 27 years, stated that she had been a complaining witness at the previous public hearings in this case, but that since the summer of 1947 service has been satisfactory and without cause for further complaint. Another witness testified that her service was from the end of one of the water mains and that no complaint of any kind could be made regarding the service received therefrom.

From the evidence before us, we conclude that the improvements specifically ordered in our Decision No. 39792, issued December 23, 1946, are in fact not now needed and have been so not needed since January 1, 1948 and that, therefore, petitioner's prayer to vacate and set aside said order should be granted; therefore,

IT IS ORDERED that the order portion of Decision No. 39792, issued on December 23, 1946, be, and it is hereby vacated and set aside.

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

Dated at San Francisco, California, this 29th day of May, 1951.

R. E. Ingram
Justus F. Caswell
Harold Hule
Rowland Pottel
John E. McNeill
Commissioners.