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ORIGINAL

Decision No. 46462

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JERE STRIZEK, an individual)
doing business as BEN ALI WATER COMPANY,)
for a certificate that the present or)
future public convenience or necessity)
will require an extension of his present)
water system, pursuant to section 50(a))
of the Public Utilities Act of the State)
of California.)

Application No. 32544
(Amended)

✓ Devlin, Diepenbrock & Wulff by Horace B. Wulff
and Forrest Plant, attorneys, for applicant;
Capitol Accomodations, Inc., by George W. Artz,
protestant; Del Paso Water Company, by B. I. Lusk,
protestant; George F Tinkler for the Commission
staff

O P I N I O N

In this application, filed July 2, 1951, and as amended September 27, 1951, Jere Strizek (Ben Ali Water Company) asks this Commission to issue him a certificate of public convenience and necessity for the construction and operation of public utility water systems in new and separate areas, and for the extension of his present utility water system into adjacent and contiguous areas near the City of North Sacramento, Sacramento County.

A public hearing in this matter was held before Commissioner Mitchell and Examiner Emerson on September 27, 1951, at North Sacramento.

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Applicant's present service area comprises four parcels of suburban, commercial, and residential tracts comprising approximately 2,765 acres. As of December 31, 1950, applicant served 2,488 consumers from about 248,000 feet of distribution mains.

Water is obtained from wells and pressure is maintained by means of steel pressure tanks. Total pumping capacity of the 12 wells now operated is 4,840 gallons per minute.

Applicant seeks a certificate covering 10 additional parcels, totaling about 2,200 acres in area. It has been estimated that these parcels will contain some 5,000 or more consumers within the next five years. Several of the parcels are now under development by real estate subdividers. Some, however, are presently but bare land.

Four other water utilities operate in the same general area. Two of these appeared at the hearing in this proceeding to protest the granting of certificates for those parcels which are contiguous to their own presently served areas.

Del Paso Water Company, a corporation, now has a certificate covering an area of about 600 acres known as Del Paso Manor Tract. At the end of 1950, it served 837 consumers and had some 65,000 feet of distribution mains. It appears that if applicant's request were to be granted, Del Paso Water Company would then be surrounded by applicant's territory and cut off from any possibility of future expansion. Applicant is requesting certification in an area (Parcel E as described in the application) contiguous to Del Paso Water Company territory, and into which the latter has already established service by extending a water line to serve San Juan Union High School in the ordinary course of its business.

✓ Capitol Accomodations, Inc., is now certificated to serve an area of about 320 acres known as Arden Manor Tract. It commenced operations early in 1951, now serves 430 consumers and anticipates serving 1,330 consumers when the Arden Manor Tract development is complete. If applicant's requests for certification

in Parcels C and J, as described in the application, were to be granted, Capitol Accomodations would be cut off from any opportunity for northward expansion since Capitol Accomodations is now bounded on the west by applicant and on the east by a county water district.

Protestants and applicant appear to have equally adequate resources to serve the parcels in question. Testimony in this proceeding indicates that protestants, in fact, have more than ample supplies of water, the surplusage of which may easily be made available for service to the undeveloped areas contiguous to their present operations.

The undisputed areas will be certificated to applicant since the record clearly indicates that service is needed in such areas. With respect to Parcels C, E, and J, however, the record shows no present need for service except in a limited portion of Parcel C, and we shall not at this time certificate parcels E and J. Applicant will be granted a certificate for said portion of Parcel C presently served.)

The certificate of public convenience and necessity hereinafter granted is subject to the following provisions of law:

That the Commission shall have no power to authorize the capitalization of this certificate of public convenience and necessity or the right to own, operate, or enjoy such certificate of public convenience and necessity in excess of the amount (exclusive of any tax or annual charge) actually paid to the State as the consideration for the issuance of such certificate of public convenience and necessity or right.

O R D E R

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

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require or will require the construction, operation and maintenance of public utility water systems in Sacramento County by Jere Strizek (Ben Ali Water Company) in the areas hereinafter to be described; therefore,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and it is hereby granted Jere Strizek to construct, operate and maintain public utility water systems within the following described areas in Sacramento County:

1. That area bounded by El Camino Avenue on the north, by Twentieth Street on the west, by Cottage Way on the south and by Fulton Avenue on the east.
2. That area bounded by El Camino Avenue on the north, by Fulton Avenue on the west, by Wyda Way on the south and by Morse Avenue on the east.
3. That area bounded by El Camino Avenue on the north, by Morse Avenue on the west, by Watt Avenue on the east, and by a line parallel to and one-quarter mile south of El Camino Avenue on the south.
4. That area bounded by Arcade Boulevard on the north, by Watt Avenue on the west, by Norris Avenue on the east and by Whitney Avenue on the south.
5. That area bounded by Robertson Avenue on the north, by Mission Avenue on the west, by Root Avenue on the east and by Marconi Avenue on the south.
6. That area bounded by Grant Line Road on the north, by Southern Pacific Right of Way on the southeast, by "A" (Palm) Street on the south and by Thirty-fifth Street (extension of Watt Avenue) on the west.
7. That area bounded by Auburn Boulevard on the north, by Bell Street on the west, by Edison Avenue on the south and by Watt Avenue on the east.

IT IS HEREBY FURTHER ORDERED that applicant shall place in effect in the above-described areas the rates, rules, and regulations presently on file with this Commission and in effect on applicant's present system.

IT IS HEREBY FURTHER ORDERED that applicant, within forty (40) days after the effective date of this order, shall file with this Commission four copies of a suitable map drawn to an indicated scale of not less than 600 feet to the inch and delineating thereon by distinctive markings the exact boundaries of its service areas including those established herein; provided, however, that such filing shall not be construed as a final or conclusive determination or establishment of the dedicated areas of service, or any portion thereof.

IT IS HEREBY FURTHER ORDERED that in all other respects the above-entitled application be and it is hereby denied.

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

Dated at Los Angeles, California, this 27th day of November, 1951.

A. J. [Signature]
President.
Justice F. Cassner
Harold P. Kula
Francis H. Potter
John E. Mitchell
Commissioners.