

Decision No. 46759

ORIGINAL

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) Application No. 32544
convenience or necessity will require) (Amended)
an extension of his present water system,)
pursuant to Section 50(a) of the Public)
Utilities Act of the State of California.)

Devlin, Diepenbrock & Wulff by Horace B. Wulff
and Forrest Plant, attorneys, for petitioner.

OPINION ON REHEARING

On November 27, 1951, by Decision No. 46462 this Commission granted Jere Strizek (Ben Ali Water Company) a certificate of public convenience and necessity to operate water systems in seven areas in Sacramento County. A petition for rehearing was filed on December 7, 1951 on behalf of applicant Strizek. The petition claimed erroneous findings with respect to two areas not granted in said decision, designated Parcel I and Parcel J in the original and amended application, and asked for rehearing regarding these two parcels. By order dated January 3, 1952, the petition was granted and further hearing was set. The rehearing was held before Commissioner Mitchell and Examiner Emerson in North Sacramento on January 25, 1952.

Referring to the two parcels in question in terms of the parcel designations used in the original hearing, it appears that in Parcel I, which comprises approximately 200 acres, there are 150 lots, 15 of which are presently provided water service from a system already installed by applicant and in which an

investment of about \$35,000 has been made. This area is under real estate subdivision development and may embrace as many as 200 water customers when fully developed. Water facilities are being placed in service under the terms of applicant's regularly filed Rule and Regulation No. 19 as said rule applies to subdivision development.

With respect to Parcel J applicant presented evidence to the effect that an investment of about \$7,300 has already been made in water facilities for serving such area. Eleven customers are presently served and there appears to be a potential of about 60 customers in the 25 acres comprising the tract.

At the rehearing evidence was presented that, in our opinion, conclusively demonstrated public need for utility water service within the two areas in question. Although all appearances in the original hearing were properly notified of the order for rehearing and the time and place of such rehearing, prior protestants did not appear. No opposition to the certification of Parcels I and J was made at the rehearing of this matter. Applicant is competent and financially able to serve the areas. We conclude, therefore, that public convenience and necessity require and will require that applicant serve said parcels.

ORDER ON REHEARING

Rehearing having been held in the above proceeding and finding that public convenience and necessity require the operation of public utility water systems in Sacramento County by Jere Strizek (Ben Ali Water Company) in the areas described hereinafter,

IT IS ORDERED that the first ordering paragraph of the order in Decision No. 46462 is hereby amended by adding thereto the following subparagraphs:

"8. That area bounded on the north by the north boundary of Arden Oaks Subdivision Unit #5, by Vista Road on the west and including the area from the northwesternmost point of the curve of Vista Road to the north boundary of said Arden Oaks Subdivision Unit #5, by Arden Way on the south and by Eastern Avenue on the east.

"9. That area bounded on the south by the south boundary of Arden Way, on the west by the West Boundary line of Watt Avenue and on the north and east by a line described as follows: Beginning at the Southwest corner of Arden Oaks, Unit No. 1, the official plat of which is recorded in the Office of the Recorder of Sacramento County in Book 22 of Maps, Map No. 48; thence from said point of beginning South 75 deg. 06 min. 40 sec. East 506.00 feet and thence South 86 deg. 48 min. 50 sec. East 335.31 feet along the Southerly boundary of said Arden Oaks, Unit No. 1, to the Northwest corner of Lot 51 of Arden Oaks, Unit No. 3, the official plat of which is recorded in the Office of the Recorder of Sacramento County in Book 23 of Maps, Map No. 10; thence along the westerly boundary of said Arden Oaks, Unit No. 2, the following courses; South 05 deg. 07 min. 26 sec. East 192.92 feet, South 44 deg. 10 min. 45 sec. West 79.97 feet, South 06 deg. 27 min. 30 sec. East 200.74 feet, North 83 deg. 00 min. 00 sec. East 75.00 feet, South 05 deg. 14 min. 14 sec. East 213.52 feet, south 48 deg. 41 min. 15 sec. East 62.12 feet, South 15 deg. 06 min. 11 sec. East 268.77 feet, South 74 deg. 38 min. West 45.00 feet, South 12 deg. 42 min. 45 sec. East 188.13 feet and South 00 deg. 57 min. 30 sec. East 215.00 feet to a point on the Southerly line of Arden Way."

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

Dated at San Francisco, California, this 13th day of

February, 1952.

R. T. [Signature]
President.
James F. [Signature]
[Signature]
[Signature]
[Signature]
Commissioners.