

Decision No. 47058

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DYKE WATER COMPANY, a corporation, for)
authority to extend its water service)
to Tract Nos. 1549, 1543, 1547 and) Application No. 33183
Recorded Tract Nos. 1336, near)
Magnolia and Chapman Avenues, in the)
County of Orange.)

Arlvne Lansdale, attorney, for applicant;
George Vandenberg, for Water Problems Department,
California Farm Bureau Federation, N. J. Stahly,
M. H. Seaver, Mrs. Claudine Irvine, protestants;
John D. Ardaiz, subdivider, interested party;
and James G. Lee, for the Commission staff.

O P I N I O N

Dyke Water Company, a corporation, by the above-entitled application filed February 29, 1952, seeks a certificate of public convenience and necessity to extend its water service to Tracts Nos. 1549, 1543, 1547 and 1336, near Magnolia and Chapman Avenues, in unincorporated territory in Orange County. The location of the tracts is shown on the map, Exhibit A, attached to the application. Applicant, at the hearing, amended its original application by a request to serve a larger area than originally sought; such area being designated by a heavy black line on Exhibit A but not referred to in the application as originally filed. Several ranchers protested the granting of a certificate to serve the larger area.

A public hearing in this matter was held before Examiner Warner on April 3, 1952, at Santa Ana.

Dyke Water Company, a California corporation, was granted a certificate of public convenience and necessity to serve

Tract No. 1345, Orange County, located at the northwest corner of Euclid and Chapman Avenues, by the Commission's Decision No. 46758, dated February 13, 1952, in Application No. 32634. It serves 10 consumers in that tract at the present time. A 6-inch well, 147 feet deep, in which is installed a pump driven by a 7½ hp electric motor is the source of water supply. The plant has an estimated production capacity of 130 gallons per minute. In Application No. 32634 applicant requested a certificate of public convenience and necessity to serve approximately 5 square miles in the unincorporated area northwest of Garden Grove, but later amended its application by reducing the area requested to Tract No. 1345 only.

The granting of the request for a certificate to serve the larger area in Application No. 32634 as originally filed, was vigorously protested by numerous ranchers from the area on the grounds that there was no showing of public convenience and necessity and, further, that their water supply from private wells might be depleted by widespread public utility water system operations in the area.

In the instant application, the same protests were filed against applicant's request to serve the 640 acres (1 square mile) bounded on the north by Bryant, on the south by Chapman, on the east by Euclid, and on the west by Magnolia Avenues. A map, Exhibit No. 5, was introduced at the hearing delineating the larger area but was not received in evidence due to the fact that sufficient notice had not been given to all possible interested parties.

Applicant is presently serving one consumer and has attached two additional service connections in Tract No. 1336 which comprises 28 lots. The location of the tract is shown in pink on

Exhibit A. The applicant has installed therein 4-inch cast-iron mains. Exhibit No. 2 is a detailed map of said tract.

Immediately north of Tract No. 1336, as shown on Exhibit A in green, is Tract No. 1543, comprising 22 lots in which 4-inch cast-iron mains are now being installed by applicant at the request of the subdivider. Exhibit No. 3 is a map of this tract.

About 300 feet west of the westerly boundary of Tract No. 1336 is Tract No. 1549. As shown on Exhibit A in blue, it is located in the northeast corner of Magnolia and Chapman Avenues. This tract comprises 52 lots which are shown in detail on the map, Exhibit No. 1. No water system is installed therein at present but the subdivider, John D. Ardaiz, has requested that applicant make such installation. Applicant proposes to install a 4-inch main westerly along Chapman Avenue in the parkway to connect Tracts Nos. 1336 and 1549.

The source of water supply for Tracts Nos. 1336, 1543 and 1549, is a well located on property owned by applicant as shown by copy of the grant deed filed at the hearing as Exhibit No. 6. This location is just south of the southwesterly line of the Pacific Electric Railway right of way along a northerly extension of Loreleen Street. The well is 164 feet deep, has a 12-inch casing, and a pump driven by a 30hp electric motor is installed therein. The pumping plant has a production capacity of 470 gallons per minute.

The record shows that the source of water supply has been tested periodically by the Orange County Health Department authorities and found to be potable and free of contamination. However, the record further shows that the concrete foundation on which the pump sits is without support and the pump is now resting

on top of the well casing. This condition may have been caused by recent heavy rains and should be remedied at once.

In addition to serving the above-enumerated tracts, applicant proposes to extend its water system to Tract No. 1547 which, as shown on Exhibit A in orange, is located about 1 mile east of Tract No. 1336 along Chapman Avenue and about 3/4 mile west of Tract No. 1345, applicant's present service area. Tract No. 1547 comprises 65 lots. Applicant proposes to drill a well therein on property to be acquired by it. Exhibit No. 4 is a tentative map of Tract No. 1547.

The record shows that applicant plans eventually to connect Tracts Nos. 1336, 1547 and 1345 by installing a 6-inch main in the parkway along Chapman Avenue. The necessity for such installation at the present time, however, has not been indicated.

From a review of the record it appears that the water supply which is, and will be available, to applicant and the distribution system installed and proposed to be installed are adequate to serve the proposed tracts.

Applicant proposes to apply its presently filed flat rates, which are \$3 per service per month, throughout each of the tracts and to install meters as soon as they become available.

No other public utilities of like character with which applicant might compete are operating within or immediately adjacent to the proposed area. Park Lane Water Company, a corporation, has filed an application to serve a subdivision on the south side of Chapman Avenue at Brookhurst Avenue. However, although notice of the hearing herein was sent to Park Lane Water Company, it made no appearance.

Applicant's witness, Dyke Lansdale, president, testified that either applicant or he had sufficient financial resources to

effect the proposed extensions of applicant's water system. He further testified, and the witness Ardaiz supported such testimony, that this area of Orange County is being subdivided fairly extensively and rapidly and that public utility water service thereto was desirable. The record shows that Metropolitan Water District water through the Orange County Municipal Water District will not be available to this portion of Orange County for domestic purposes for at least two years and private developers of the area, therefore, must rely on the drilling of wells for sources of water supply.

The Commission has considered the record in this proceeding and is of the opinion that the request by Dyke Water Company for a certificate of public convenience and necessity to extend its water service to Tracts Nos. 1336, 1543, 1549 and 1547 according to its plans as outlined hereinabove should be granted subject to the following conditions 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.

Applicant's request to serve the larger area as delineated by the heavy black line on Exhibit A attached to the application, but not referred to therein, will be denied due to applicant's not having incorporated such larger area in its original application and due, therefore, to the fact that sufficient public notice was not given to interested parties.

O R D E R

Dyke Water Company, a corporation, having applied for a certificate of public convenience and necessity to serve Tracts Nos. 1336, 1543, 1549 and 1547, Orange County, a public hearing 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 the construction and operation by Dyke Water Company, a corporation, of a public utility water system in Tracts Nos. 1336, 1543, 1549 and 1547, Orange County; therefore,

IT IS HEREBY ORDERED as follows:

1. That a certificate of public convenience and necessity be and it is granted to Dyke Water Company, a corporation, to construct and operate a public utility water system for the production, distribution and sale of water within Tracts Nos. 1336, 1543, 1549 and 1547, Orange County.
2. That applicant's request to serve the amended larger area as delineated by the heavy black line on Exhibit A of the application be and it is denied without prejudice.
3. Applicant is authorized to place in effect in Tracts Nos. 1336, 1543, 1549 and 1547, Orange County, its presently filed rules and schedule of monthly flat rates and general metered service rates.
4. Applicant shall file, within forty (40) days after the effective date of this order, four copies of a comprehensive map, drawn to an indicated scale of not less than 600 feet to the inch, delineating by appropriate markings the various tracts of land and territory served, and the location of various properties of applicant throughout its presently certificated area and throughout the areas for which a certificate of public convenience and necessity is granted herein.
5. Applicant shall file four copies of a tariff service area map, including the new areas covered by the certificate of public convenience

and necessity granted by this order, acceptable to this Commission and in accordance with the requirements of General Order No. 96.

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

Dated at San Francisco, California, this 29th day of April, 1952.

A. T. Anderson
President.

Harold A. Hula

Benjamin Patten

John E. Mitchell

Justus F. Craemer
Commissioner.

Commissioner Justus F. Craemer, being necessarily absent, did not participate in the disposition of this proceeding.