

**ORIGINAL**

Decision No. 4764S

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the )  
RIVERA WATER SYSTEM for a Certificate of )  
Public Convenience and Necessity in the )  
territory adjacent to the Southerly )  
Boundary of its system. )

Application No. 33526

In the Matter of the Application of )  
SOUTHERN CALIFORNIA WATER COMPANY for )  
an order granting a certificate of )  
public convenience and necessity to )  
construct or extend its plant or )  
system and to render service in certain )  
territory contiguous to or in the near )  
vicinity of territory now served by it )  
in unincorporated territory in the )  
vicinity of Norwalk, Los Angeles County.)

Application No. 33608

C. L. Gardner, attorney, for Rivera Water System;  
O'Melveny & Myers, by Frederick N. Edwards,  
Philip F. Westbrook, Jr., and Warren M. Christopher,  
attorneys, for Southern California Water Company;  
Mrs. Ruth Hoover, for a group of property owners  
and in propria persona, and Edward Castro, in propria  
persona, interested parties.

O P I N I O N

Rivera Water System, <sup>1/</sup> a corporation, and Southern  
California Water Company, <sup>2/</sup> a corporation, by the above-entitled  
applications filed June 25, 1952, and July 23, 1952, respectively,  
seek authority to extend their public utility water systems, and  
seek certificates of public convenience and necessity for areas  
including such extensions, and other areas in unincorporated  
territory in and in the vicinity of Norwalk, Los Angeles County.  
Southern California requested that its application be considered

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<sup>1/</sup> Hereinafter referred to as Rivera.  
<sup>2/</sup> Hereinafter referred to as Southern California.

under and pursuant to Section 1001 or 1003 of the Public Utilities Code, whichever is applicable.

A public hearing in these matters was held before Examiner Warner on July 31, 1952, in Los Angeles.

At the hearing applicants amended their applications by the withdrawal from the application of one of all areas originally in conflict with the application of the other, and neither opposed the application of the other. The elimination of conflicting areas was effected in accordance with a verbal agreement between the parties arrived at shortly before the hearing. This agreement included the proposal that Southern California acquire the Leibacher Water System of Rivera, the location of which is shown on the map, Exhibit B, attached to Rivera's application. A separate application seeking Commission approval of such acquisition will be filed at a later date.

Application No. 33526

As amended at the hearing the area covered by Application No. 33526 includes Parcels Nos. 1 and 2 as outlined in green on the map filed at the hearing as Exhibit No. 1 in this application.

Parcel No. 1, comprising 20 acres, is proposed to be subdivided as Tract No. 16086, Los Angeles County, and will be divided into 115 lots. It lies on the south side of Little Lake Road (Florence Avenue) between Tracts Nos. 16589 and 16785. Each of the latter tracts is certificated to Rivera and water service is being furnished therein by Rivera. It is proposed to extend Rivera's presently installed water system in Tract No. 16589 into Parcel No. 1 and furnish water service therein from Rivera's water system as a whole.

Parcel No. 2, comprising approximately 45 acres, is a triangular parcel lying northwest of the Whittier Branch of the

Southern Pacific Railroad south of Little Lake Road (Florence Avenue) and northeast of the proposed Santa Ana Freeway. It is bounded on the west by Tract No. 16796 in which Rivera is presently furnishing water service. Although the area, formerly an orange grove, is now being farmed, Rivera's witness stated that a tentative subdivision map had been submitted containing 69 lots. It is also proposed to furnish water service in Parcel No. 2 from Rivera's water system as a whole.

Rivera's water system as a whole now includes about 1,900 consumers, with approximately 700 additional houses under construction. A group of nine wells, with total production capacity of 9,000 gallons per minute, comprises Rivera's source of water supply.

From a review of the record it appears that Rivera's source of water supply and plans for furnishing water service to Parcels Nos. 1 and 2 are adequate and sound and that the certificate of public convenience and necessity covering Parcels Nos. 1 and 2 should be granted, and the order which follows will so provide.

Application No. 33608

The area covered by Application No. 33608 as amended at the hearing includes Parcels Nos. 1, 2, 3 and 5 as shown on the map filed at the hearing as Exhibit No. 1 in this application.

Parcel No. 1 comprises about 60 acres of subdivided territory and about 65 acres of unsubdivided territory, a total of 125 acres. This parcel lies immediately west of the service area of Excelsior Water Company, Inc., along Pioneer Boulevard, north of an extension of Gettysburg Drive. It is bounded on the west by a portion of Southern California's service area which formerly comprised the service area of Southland Water Company, acquired by Southern California on June 1, 1952, pursuant to

Decisions Nos. 47052 and 47104. By the Commission's Decision No. 47491, Southern California was authorized to acquire Excelsior's water system and said acquisition is expected to be completed by September 1, 1952. Parcel No. 1 has been subdivided into three subdivisions comprising 266 lots.

Parcel No. 2, a triangular parcel, lies southeast of the Whittier Branch of the Southern Pacific Railroad at its intersection with the proposed Santa Ana Freeway. A copy of a petition of 23 residents in Parcel No. 2 was filed at the hearing as Exhibit No. 3, requesting water service by Southern California. Said residents live on West Esther Street, Elizabeth Street, and along Orr and Day Road. Southern California's witness stated that under its water service extension rules, 2,300 feet of water main extensions would be furnished in Parcel No. 2 without charge and that this footage should be more than enough to serve the parcel without additional charges for water main extensions.

Parcel No. 3 includes a 10-acre tract proposed to be subdivided by Casa Manana, Inc., comprising 40 lots. Exhibit No. 4 is a copy of a letter from the subdividers to Southern California requesting water service. This parcel also includes Tract No. 16869 being subdivided by Parrotts Escrow. Exhibit No. 5 is a copy of a request from the subdividers for service to this tract. Exhibit No. 6 is a copy of a letter from Southern California Edison Company requesting a 2-inch water connection from Southern California for water service to a 220 kv substation located at Firestone Boulevard on the San Gabriel River. The record shows that there are no immediate plans for subdividing the balance of Parcel No. 3 but Southern California's witness stated that a certificate covering the entire parcel was applied for in order to make Southern California's certificated service territory geographically complete in this area.

Parcel No. 5 likewise is not being subdivided at present but its inclusion in this application, also, was for the purpose of completing Southern California's certificated service territory in this area.

Exhibit No. 2 filed at the hearing is a schedule of Southern California's plant data in its Norwalk service area, showing the diameter and depth of wells, static and pumping water levels, pumping plant installations, and water production of the pumping plants at the eight plants in the area. It shows a total production capacity of 4,347 gallons per minute and Southern California's witness testified that a gas engine pumping plant with a production capacity of at least 1,000 gallons per minute is proposed to be installed on the north side of Firestone Boulevard at the location of Norwalk Plants Nos. 1 and 2.

Southern California proposes to furnish water service in Parcels Nos. 1, 2, 3 and 5 by the extension and interconnection of its presently installed water facilities.

Exhibit No. 7 is a copy of a letter dated July 29, 1952, to the Los Angeles County Board of Supervisors from Southern California requesting a franchise covering the areas included in this application and other territory surrounding them. The requested franchise would include the area generally described as being bounded on the west by the San Gabriel River, on the south by Rosecrans Avenue, on the east by Valley View Avenue, and on the north by Anaheim-Telegraph Road.

The record shows that easements have been, or are proposed to be, secured by Southern California for the laying of pipe lines in subdivisions prior to the dedication of the streets.

It appears that the sources of water supply presently installed and proposed to be installed by Southern California are

adequate to serve Parcels Nos. 1, 2, 3 and 5 and that a certificate of public convenience and necessity covering these parcels should be granted as applied for and the order which follows will so provide.

The record in these and other proceedings covering unincorporated territory in and in the vicinity of Norwalk, Los Angeles County, shows that this territory is being subdivided very rapidly due to the construction of the Santa Ana Freeway which traverses it diagonally from the northwest to the southeast.

Request for Lifting of Restrictions on Water System  
Extensions into Contiguous Territory Imposed by  
Decisions Nos. 47463, 45105 and 45758.

By its Decisions Nos. 47463, 45105 and 45758, the Commission restricted extensions of the water systems of Rivera, Southern California, Southland Water Company, Norwalk Water Company and Leibacher Water Company into contiguous areas without further order of the Commission. The areas in conflict between these companies have now been certificated to one or the other of these companies or their successors in interest and the need for such restrictions now appears to be nonexistent. It further appears that it would not be adverse to the public interest that such restrictions be lifted, and the order which follows will so provide.

The Commission has considered the applications of Rivera and Southern California for certificates of public convenience and necessity to construct or extend their public utility water systems in and in the vicinity of Norwalk, Los Angeles County, and is of the opinion that they should be granted subject to the following provision of law:

That the Commission shall have no power to authorize the capitalization of these certificates of public convenience and necessity or the right to own, operate, or enjoy such

certificates of public convenience and necessity in excess of the amounts (exclusive of any tax or annual charges) actually paid to the State as the consideration for the issuance of such certificates of public convenience and necessity or right.

The action taken herein shall not be construed to be a finding of the value of the property herein described.

O R D E R

Applications having been filed, a public hearing having been held, the matters having been submitted and now being ready for decision,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require that certificates of public convenience and necessity be granted to Rivera Water System, a corporation, and Southern California Water Company, a corporation, to construct or extend their water systems in and in the vicinity of Norwalk, Los Angeles County, in the area designated as Parcels Nos. 1 and 2 as shown on the map filed at the hearing as Exhibit No. 1 in Application No. 33526 for Rivera Water System, and in the area designated as Parcels Nos. 1, 2, 3, and 5 as shown on the map filed at the hearing as Exhibit No. 1 in Application No. 33608 for Southern California Water Company; therefore,

IT IS HEREBY ORDERED as follows:

1. That certificates of public convenience and necessity be and they are granted to Rivera Water System and Southern California Water Company to construct or extend their water systems in the respective areas hereinabove described.
2. That, pursuant to Section 1003 of the Public Utilities Code, the Commission will issue a certificate of public convenience and necessity to Southern California Water Company to exercise the rights and privileges under a franchise applied for from the County of Los Angeles as shown in Exhibit No. 7 upon the presentation to the Commission of evidence satisfactory to it that the franchise has been secured by Southern California Water Company. This certificate of public convenience and necessity will apply to the area hereinabove described.

3. That Rivera Water System and Southern California Water Company be and they are authorized to apply their presently filed rates to the areas covered by the certificates of public convenience and necessity granted by this order.
4. That Rivera Water System and Southern California Water Company, each, 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 their various properties.
5. That Rivera Water System and Southern California Water Company, each, shall file four copies of a tariff service area map acceptable to the Commission.
6. That the restrictions imposed on Rivera Water System itself and as successor in interest to Leibacher Water Company, and on Southern California Water Company itself and as successor in interest to Southland Water Company and Norwalk Water Company, on extensions of their water service into contiguous areas imposed by Decisions Nos. 47463, 45106 and 45758 be and they are lifted.

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

Dated at San Francisco, California, this 2<sup>nd</sup> day of September, 1952.

R. Z. [Signature]  
President.  
Justice F. Callahan  
Hamilton Patten  
W. L. [Signature]  
Commissioners.