

**ORIGINAL**Decision No. 48827

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SONOMA WATER & IRRIGATION COMPANY )  
 for a certificate of public conven- )  
 ience and necessity to serve certain )  
 areas in Sonoma Valley. )

Application No. 33786  
 (As Amended)

Edward D. Keil and Harold W. Hillman, for applicant.  
Mrs. J. J. Donaghy, in propria persona;  
Anita Thompson, in propria persona;  
Roland H. Kruger and Scott Elder, for  
L. M. Ducommun, Donald McNab, Otto Lippi,  
Alvin J. Nicolini, Marion V. Dorn,  
Paul Verdier, Harold Anderson, Robert L. Mollenhauer,  
Malva Robertson, Mrs. John D. Upston,  
Colonel Andrew Greer, Thomas G. Spates,  
Antonia D. Hansen, and Dr. Norma M. Tremaine;  
E. John Kleines, Garret McEnerney II, and McEnerney & Jacobs, for John R. Hooker and Josephine D. Hooker, protestants.  
Gilbert Preston and Anthony E. O'Brien, for Gilbert Preston;  
E. L. Richardson, for Richard L. Dolwig, interested parties.  
Clyde F. Norris, for the Commission staff.

INTERIM OPINION

Applicant Sonoma Water & Irrigation Company, a corporation, on October 7, 1952, filed its application requesting a certificate of public convenience and necessity to extend its service area as shown on the map attached to the application. An amended application was filed November 6, 1952. Applicant proposes to charge the same rates in the proposed extended area as are presently authorized by this Commission in its existing service area.

Public hearings in this proceeding were held before Examiner Cline at El Verano on December 30, 1952, at Sonoma on January 16 and February 16, 1953, and at San Francisco on June 2 and June 18, 1953. The map received in evidence as Exhibit No. 1

modifies the proposed extended service area to exclude the watershed property recently acquired by applicant and so that the northerly boundary of the proposed service area is the southerly boundary of the property owned by the State of California, the southerly line of Sections 15, 14 and 13 and the northerly line of Section 19. The matter was taken under submission upon receipt of the last brief on July 3, 1953.

The brief filed on behalf of Gilbert Preston requests the Commission to issue an interim order authorizing extension of applicant's service area so that public utility water service may be made available to the Preston Tract. This brief states that Gilbert Preston and Dr. Victor Richards and Dr. Dayton W. Clark to whom Mr. Preston has sold parcels of land, must have water service immediately or sustain serious irreparable damage. The Preston Tract consists of approximately 135 acres and was formerly a part of the Spreckels Estate. This tract is located north of Sobre Vista Acres No. 1, east of applicant's watershed and west of Sonoma Creek.

In the area bounded by the most easterly line of applicant's watershed property and extension thereof on the west, the southerly line of the property of the State of California on the north, Arnold Drive to Madrone Road, Madrone Road to Sonoma Creek, Sonoma Creek to an extension of the southerly boundary of Sobre Vista Acres No. 1, the extension of the southerly boundary of Sobre Vista Acres No. 1 to Arnold Drive, Arnold Drive to the northerly boundary of Sobre Vista Acres No. 1, and the northerly boundary of Sobre Vista Acres No. 1 to the most easterly line of applicant's watershed and extension thereof, as shown on maps introduced into evidence as Exhibits Nos. 1 and 15, are included several consumers who are receiving water service from applicant

pursuant to so-called 60-day agreements of which Exhibit No. 3 is representative. These agreements provide for water service at the rates authorized for applicant by this Commission. In their briefs protestants admit that applicant's service area should be extended to authorize service to these consumers.

Also included in this area are the Preston Tract, the property of John R. Hooker and Josephine Hooker, protestants herein, the property of Gordon Tevis and Josephine Tevis, and perhaps property of Mr. Richard Dolwig. Neither the Hookers nor the Tevises desire public utility water service from applicant at the present time. Although an appearance was entered on behalf of Mr. Dolwig as an interested party, his position does not appear in the record. No showing has been made by applicant that Mr. Dolwig desires or requires public utility water service. The record herein supports the extension of applicant's service area so that the Preston Tract may be served and the consumers entitled to receive service under the 60-day agreements may continue to be served. In view of the emergency which may exist respecting the Preston Tract the Commission is issuing this interim opinion and order authorizing an extension of applicant's service area.

Applicant's request for authority to extend its service to other than the Preston Tract and the persons entitled to be served under the 60-day agreements subsequently will be the subject of the final opinion and order herein.

The certificate issued herein is subject to the following provision 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 apply its presently filed rates within the extended service area has been reviewed, has been found to be reasonable, and will be authorized by the order which follows.

INTERIM ORDER

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

IT IS HEREBY FOUND AS A FACT that public convenience and necessity will require the extension of applicant's public utility system into the area appearing on Exhibit No. 1 bounded on the west by the most easterly line of applicant's watershed property and extension thereof, on the north by the southerly line of the property of the State of California, by Arnold Drive to Madrone Road, by Madrone Road to Sonoma Creek, by Sonoma Creek to an extension of the southerly boundary of Sobre Vista Acres No. 1, by the extension of the southerly boundary of Sobre Vista Acres No. 1 to Arnold Drive, by Arnold Drive to the northerly boundary of Sobre Vista Acres No. 1, and by the northerly boundary of Sobre Vista Acres No. 1 to the most easterly line of applicant's watershed property and extension thereof, but excluding therefrom all property other than the Preston Tract referred to herein and other than the property of parties entitled to receive water service under the so-called 60-day agreements of which Exhibit No. 3 is representative; therefore,

IT IS HEREBY ORDERED as follows:

(1) That applicant be, and it is, granted a certificate of public convenience and necessity to construct and extend its public utility water system in the area hereinabove described.

(2) That applicant be, and it is, authorized to apply its presently filed rates for its presently authorized service area in the area certificated by this order.

The authorization herein granted will lapse if not exercised within one year from the date hereof.

The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of July, 1953.

A. J. [Signature]  
 President  
Justice F. [Signature]  
Harold [Signature]  
Edw. E. [Signature]  
 Commissioners

Commissioner Kenneth Potter, being necessarily absent, did not participate in the disposition of this proceeding.