

Decision No. 49393**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 DYKE WATER COMPANY, a corporation,)
 to extend its water service to addi-)
 tional territory in the vicinity of)
 Garden Grove, in unincorporated)
 territory, County of Orange, under)
 Section 1001, Public Utilities Code)
 of the State of California.)

Application No. 34694

In the Matter of the Application of)
 ORANGE COUNTY WATER SERVICE COMPANY)
 to operate a water supply and dis-)
 tribution system in Orange County;)
 to issue stock; and to fix rates.)

Application No. 34521

Arlyne Lansdale, attorney, for Dyke Water Company;
Loren E. Blakeley, consulting engineer, for Orange County
 Water Service Company; James Alderson and George Vandenberg,
 in propria personae, and for other property owners;
Alfred A. Holve and Jesse L. Anderson, in propria personae,
Keith A. Murdock and Charles A. Pearson, for City of Anaheim,
 protestants; Dian R. Gardner, for Orange County Farm Bureau,
 interested party; Robert M. Mann, for the Commission staff.

O P I N I O N

(1)

Dyke Water Company, a corporation, by the above-entitled application filed August 31, 1953, seeks authority to extend its public utility water system in the area delineated on the map attached to its application as Exhibit 1. Said area is in unincorporated territory north of Garden Grove, Orange County, and is north, and in the vicinity of Dyke's present service area.

(2)

Orange County Water Service Company, a corporation, by the above-entitled application filed July 3, 1953, sought a certificate of public convenience and necessity to construct and operate a

(1) Hereinafter referred to as Dyke.

(2) Hereinafter referred to as Orange.

public utility water system in the unincorporated territory of Orange County delineated on the map attached to its application as Exhibit C. Said territory is surrounded by Dyke's proposed territory. It also requested the establishment of rates for water service and sought authority to issue stock.

A public hearing in these matters was held before Commissioner Craemer and Examiner Warner on November 5, 1953, at Santa Ana. At the hearing, Orange withdrew its application and requested that it be dismissed. The order which follows will provide for the granting of such request.

Several property owners and the City of Anaheim entered protests to the granting of Dyke's application.

General Information Regarding
Dyke Water Company

Applicant Dyke was incorporated February 16, 1951, and by Decision No. 46758, dated February 13, 1952, in Application No. 32634, it was granted a certificate of public convenience and necessity to construct and operate a public utility water system in unincorporated territory in the vicinity of the corner of Euclid and Chapman Avenues, north of Garden Grove, Orange County. By Decision No. 47058, dated April 29, 1952, in Application No. 33183, Dyke was granted a certificate of public convenience and necessity to serve four tracts along Chapman Avenue east of Magnolia Avenue. The area in which Dyke is presently furnishing water service is shown, in relation to its proposed service area, on the map included in Exhibit No. 15, a Commission staff engineering report.

Proposed Service Area

The area for which a certificate is requested comprises about 1,440 acres and includes Tract No. 1808 comprising 83 homes, and the following tentative tracts: No. 1931 comprising 87 home sites, No. 1769 of 156 home sites, No. 1919 of 298 home sites, No. 1781 of

123 home sites, No. 2015 of 81 home sites, No. 2029 of 62 home sites, No. 1886 of 50 home sites, and No. 2025 of 73 home sites, a total of one completed tract of 83 homes and 8 tentative tracts of 930 home sites, or a grand total of 1013 homes and home sites.

Water Service Facilities
for Proposed Area

Dyke owns one well on Lot 8 of Tract No. 1808. In said well a pump driven by a 30 hp electric motor is installed. The well is 268 feet deep with a 12-inch casing and the pumping plant installation is connected to a 5,000-gallon pressure tank. Other wells have been drilled and have been, or are proposed to be, acquired by Dyke to serve the tentative tracts. Dyke plans to install 6-inch transite interconnecting transmission pipe lines to serve the area, and double-headed fire hydrants will be installed at 500 feet intervals. Dyke's present water system is not interconnected with its proposed area but, the record shows, it could be so connected.

From a review of the record it appears that the sources of water supply, and the storage, transmission, and distribution facilities installed and proposed to be installed are adequate to serve the proposed area.

Rates

Applicant proposes to apply its presently filed rates to the area requested to be certificated.

Protests by Property Owners
and the City of Anaheim

Several farmer-property owners appeared at the hearing and requested that their acreages be excluded from Dyke's proposed service area. Their requests were based on their desire to reserve to themselves the opportunity to subdivide their own properties and to develop their own sources of water supply to serve their properties. They were also based on a desire to receive water service from the City of Anaheim if and when such service becomes available.

Exhibit No. 13, a map filed by the City Administrator, City of Anaheim, shows in blue the existing city limits of Anaheim as of November 5, 1953, and two pending annexations. The Ball Road Annex No. 2 area, the boundaries of which are crosshatched in green, was annexed to the City of Anaheim by an ordinance of said city adopted September 8, 1953. This annexation has been appealed to the Superior Court and will not become final until said court issues its decision. The record shows that the City of Anaheim is a member of the Metropolitan Water District and, as such, receives some of its water supply therefrom.

Requests for Water Service by
Subdividers in the Proposed Area

Exhibits Nos. 1 through 9 are letters from subdividers requesting water service in the completed and tentative subdivisions noted hereinbefore. No requests by any other property owners in the proposed service area for water service were submitted by Dyke.

Conclusion

The Commission has considered the application of Dyke Water Company for a certificate of public convenience and necessity to extend its water system in unincorporated territory north of Garden Grove, Orange County, and is of the opinion that it should be granted, except that the acreages of property owners hereinafter shown, and the area included in the Ball Road Annex No. 2 proposed to be annexed to the City of Anaheim as shown on Exhibit No. 13, shall be excluded. The certificate of public convenience and necessity granted by the order which follows shall be 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.

The acreages of property owners excluded from the certificate of public convenience and necessity hereinafter granted to Dyke Water Company are enumerated as follows:

1. James Alderson, comprising 120 acres on the north side of Katella Avenue beginning 1,320 feet west of Euclid Avenue.
2. (a) George Vandenberg, 18.44 acres at the southeast corner of Euclid Avenue and the Southern Pacific Railroad (Stanton branch).
(b) George Vandenberg, 10⁺ acres on the west side of South West Street between Ball Road and Cerritos Avenue, 1,200 feet south of Ball Road.
3. Frende W. Combs, 30 acres at the southwest corner of West Street and Cerritos Avenue.
4. Harry Douglas, 5 acres located on the west side of Ninth Street between Cerritos and Katella Avenues, approximately 1,200 feet north of Katella Avenue.
5. R. C. Hoskins, 7.9 acres at the northeast corner of Katella Avenue and Nutwood Street.
6. S. Kinoshita, 10 acres on the north side of Katella Avenue beginning 660 feet west of Euclid Avenue.
7. C. A. Pearson (Estate of T. C. Fay, et al.), 27.5 acres at the northwest corner of Euclid Avenue and Ball Road.
8. Elmer E. Everett, 37 acres on Ball Road to Cerritos Avenue west of the Southern Pacific Railroad, 25 acres facing on Ball Road and 12 acres facing on Cerritos Avenue.
9. (a) A. Holve, 10-1/2 acres at the northwest corner of Euclid and Katella Avenues.
(b) A. Holve, 10.17 acres at the northeast corner of Euclid and Katella Avenues.
10. Mrs. Bernadine Bastian, 10 acres on Katella Avenue west of Brookhurst.
11. Victor Johnson, 20 acres 1,320 feet south of Ball Road and 1,320 feet north of Cerritos Avenue.
12. (a) John S. Wright, 20 acres at the southwest corner of Cerritos and Euclid Avenues.
(b) John S. Wright, 5 acres at the northwest corner of Cerritos and Euclid Avenues.
13. Lawrence B. Klantz, 9.33 acres located at Euclid Avenue and the southwest side of the Southern Pacific Railroad right of way.

14. Edward E. Wood, 10 acres, including Tract 1322 at the northeast corner of Cerritos and Euclid Avenues.
15. Roy Roberts, 5 acres at the northeast corner of Cerritos Avenue and Nutwood Street.
16. Walter Fluegge, 10-1/2 acres on the east side of Nutwood Street just south of the Southern Pacific Railroad.

O R D E R

Applications as above-entitled having been filed, a public hearing having been held, applicant Orange County Water Service Company having withdrawn its application, the matters having been submitted and now being ready for decision, and good cause appearing,

IT IS HEREBY ORDERED that Application No. 34521, Orange County Water Service Company, be and it is dismissed without prejudice.

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require that a certificate of public convenience and necessity be granted to Dyke Water Company, a corporation, to extend its water service in the territory delineated on the map attached to the application as Exhibit No. 1, except the territory under annexation to the City of Anaheim known as Ball Road Annex No. 2 as covered by ordinance adopted September 8, 1953, and as shown on the map Exhibit No. 13, and except the acreages of property owners as enumerated in the preceding opinion; therefore,

IT IS HEREBY ORDERED:

1. That a certificate of public convenience and necessity be and it is granted to Dyke Water Company to extend its water service in the territory hereinabove described.
2. That Dyke Water Company be, and it is, authorized to apply its presently filed rates for water service in the area certificated by this order.
3. That Dyke Water Company shall, within thirty days after the effective date of this order, amend its presently filed tariff schedules, in conformity with General Order No. 96, to provide for the application of said tariff schedules for water service in the area certificated by this order.

4. That Dyke Water Company shall file within forty days after the effective date of this order, four copies of a comprehensive map drawn to an indicated scale not smaller 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.

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

Dated at Los Angeles, California, this 1st day of December, 1953.

R. Z. [Signature]
President

Justin J. [Signature]

[Signature]

[Signature]

Gene [Signature]
Commissioners