

Decision No. 51963**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SUNSHINE WATER COMPANY, a corporation,
 for Approval of Deviating Main Extension
 Contract and for Authorization to Carry
 Out the Terms Thereof.

)
)
) Application No. 37155
) (Amended)
)

OPINION AND ORDER

In this application, filed on July 21, 1955, and amended on July 28, 1955, Sunshine Water Company 1/, a corporation, seeks authorization to carry out the terms of an agreement, dated June 30, 1955, with Imperial Park, a Joint Venture, by Bradway Corp., 2/a corporation. This agreement, attached to the original application as Exhibit A, deviates from the provisions of Company's Rule and Regulation No. 15, Main Extensions, in that Subdivider's advance of \$57,782.92 includes provision for the installation of storage facilities and a booster pump. Included in the agreement is the provision that it shall, at all times, be subject to change or modification by this Commission in the exercise of its jurisdiction.

The application states that additional storage and pumping capacity is necessary to adequately serve both Company's existing service area and the proposed subdivision. It is further stated that Company's present financial condition is such that it is unable to provide the necessary financing for said storage and pumping capacity. Attached as Exhibit C to this application is a letter from Subdivider signifying general agreement to the inclusion of \$16,899, in the total amount advanced of \$57,782.92, for the tanks and pump.

The amendment to the application states that Company's

1/ Sometimes referred to herein as Company.

2/ Sometimes referred to herein as Subdivider.

estimate of total refunds to Subdivider under the subject agreement at presently filed rates to water service customers would amount to \$32,760.20 of Subdivider's advance of \$57,782.92. The amendment further states that the booster pump and storage facilities included in the agreement are estimated to cost \$16,899.

Attached as Exhibit A to the amendment to the application is a statement by Subdivider expressing understanding of Company's rules and regulations applying to main extensions, realization that inclusion of the cost of storage and pumping facilities in its advance is not required, and consents to inclusion of the cost of such storage and pumping facilities.

By letter dated July 27, 1955, Subdivider requested modification of the subject main extension agreement, Exhibit A to the original application, by the exclusion of the part of the advance representing the cost of facilities not required to be advanced in accordance with Company's filed main extension rule and requested that Company be ordered to return that portion of the advance representing said facilities in the amount of \$16,899. Subsequently, Subdivider, by letter dated August 11, 1955, withdrew its objections to the application as originally proposed and urged favorable action without delay on an ex parte basis. Both letters have been made a part of the formal file in this proceeding.

The Commission having considered the application and being of the opinion that the agreement as proposed is not adverse to the public interest, that a public hearing is not necessary and that the application should be granted; therefore,

IT IS HEREBY ORDERED that Sunshine Water Company, a corporation, is authorized to carry out the terms and conditions of the written agreement, dated June 30, 1955, with Imperial Park, a Joint Venture, by Bradway Corp., a corporation.

IT IS HEREBY FURTHER ORDERED that applicant shall file with this Commission within thirty days after the effective date of this order two certified copies of the agreement as executed, together with a statement of the date on which the agreement was deemed to have become effective.

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

Dated at San Francisco, California, this 13th day of September, 1955.

[Signature]
President
[Signature]
[Signature]
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Commissioners