

Decision No. 52828**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of THE CAMPBELL WATER COMPANY for)
approval of a contract deviating)
from the Water Main Extension)
Rules and for authorization to)
carry out the terms thereof.)

Application No. 37747

OPINION AND ORDER

By this application, filed on February 15, 1956, Campbell Water Company,¹ a corporation, seeks authority to carry out the terms of an agreement dated February 2, 1956, with El Rio Development Company,² a corporation. This agreement, a copy of which is attached to the application as Exhibit "A", sets forth conditions which deviate from the provisions of Campbell's Rule and Regulation No. 36, Main Extensions, in that Subdivider agrees to contribute certain facilities under a master plan for its subdivision which it contemplates developing progressively by units.

The facilities to be contributed consist of a well, exclusive of the pump therefor, to be drilled and cased by Subdivider at an estimated cost of \$8,000, and the parcel of land on which the well is to be situated. The agreement specifies, among other things, that the well is to produce not less than 400 gallons of water per minute. The additional water supply to be thus obtained is stated to be necessary in order that Campbell may adequately serve the new subdivision. According to the application, the construction of a

1 Hereinafter sometimes referred to as Campbell.

2 Hereinafter sometimes referred to as Subdivider.

new well at the present time cannot be undertaken by Campbell because of the limited financial resources available to it for capital additions.

A statement that Subdivider is aware of his obligation to advance only the cost of the facilities specified in the main extension rule is included in a letter addressed to this Commission by Subdivider's legal counsel. Further, the letter states that the contribution of the well to Campbell is desirable in order that Subdivider may obtain a supply of water for its subdivision at an early date. A copy of the above-mentioned letter is attached to the application as Exhibit "B".

Under the terms of the agreement, \$11,200 is to be advanced initially by Subdivider to cover the estimated cost of the distribution main facilities in Unit No. 1; \$13,300, representing the estimated cost of extending a main on Campbell Avenue from the existing facilities of the utility, is to be advanced by Subdivider within 90 days after execution of the agreement; and \$10,500, \$8,000 and \$8,000, the respective estimated costs of the distribution main facilities in Units Nos. 2, 3 and 4, are to be respectively advanced by Subdivider whenever it desires to have Campbell proceed with the installations for the particular unit to be specified. All such amounts advanced are subject to refund by the utility under Section C-2-B of its filed main extension rule.

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.

Applicant requests that this matter be acted upon promptly in order that it may install facilities to furnish water service to several residential buildings already constructed in the subdivision. For this reason the effective date of the order herein will be the date hereof.

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 Campbell Water Company, a corporation, is authorized to carry out the terms and conditions of the hereinabove described written agreement, dated February 2, 1956, with El Rio Development Company, 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 the date hereof.

Dated at San Francisco, California, this 27th day of March, 1956.

[Signature]
 President

[Signature]

[Signature]

[Signature]

[Signature]
 Commissioners