

Decision No. 53668

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of WELLS WATER SERVICE, a California)
corporation, for (1) certificate of)
public convenience and necessity to)
continue the operation of and to)
construct and operate an additional)
public utility water system in)
unincorporated areas known as Del)
Dayo Estates Unit No. 1, 2 and 3,)
Sacramento County and (2) establish-)
ment of rates for the service rendered,)
and (3) authorization for issuance)
of corporate stock of applicant for)
property, and (4) authority to bill)
customers on a bi-monthly basis,)
and (5) authority to exercise county)
franchise.)

Application No. 37421
(As Amended)

Clarence H. Pease and William H. Lally, for applicant.

Gordon D. Schaber, for property owners in Del Dayo Estates, and Richard E. Crow in propria persona, for property owners in Del Dayo Estates and Del Dayo Estates Unit No. 2, protestants.

Albert L. Wagner, for East Watt Land Company, and Frank P. Williams, interested parties.

Robert C. Moeck, for the Commission staff.

INTERIM OPINION

This application was filed on October 20, 1955. It was three times amended, November 9, 1955, April 12, 1956 and July 21, 1956. Public hearings were held before Examiner Emerson on December 16, 1955 and on April 9, 1956 at Sacramento. At the conclusion of the latter hearing the matter was submitted. Submission was set aside by the Commission on June 12, 1956. A further hearing was held before Examiner Power at Sacramento on August 17, 1956 and the matter finally submitted.

The Commission does not intend to fully dispose of the application at this time. There is a preliminary matter which can be settled now and which is a matter of some urgency. This will now be disposed of and the remaining issues will be considered at a later date.

Applicant seeks authority to serve three subdivisions along Fair Oaks Boulevard in Sacramento County. These are known respectively as Del Dayo Estates, Del Dayo Estates Unit No. 2, and Del Dayo Estates Unit No. 3.

The application was protested by a number of lot buyers in Del Dayo Estates and a few from Del Dayo No. 2. The third amended application presented two proposals in the alternative. The second of these requests a certificate for Unit No. 2 and Unit No. 3 only. This contemplates a conveyance of the system in Del Dayo Estates to the County of Sacramento. Frank Williams who is one owner and who is president of the other owner, East Watt Land Company, testified at the August 17 hearing that he and the corporation are willing to convey.

A representative of the County testified that the County would serve this tract as the Del Dayo Estates Water Maintenance District. He stated that they would do so even if the conveyance cannot be accomplished before September 1. If the conveyance is not accomplished by then, the County cannot levy a tax on the property for 1956-57.

The Commission finds that public convenience and necessity do not require that applicant be granted a certificate to render water service in Del Dayo Estates as shown on the official plat thereof recorded July 2, 1954 in Book 37 of Maps, Map No. 26, Official Records of Sacramento County. The Commission further finds that further delay herein is not in the public interest, therefore, the following order be made effective as of its date.

INTERIM ORDER

Public hearings having been held and the Commission being fully informed in the premises,

IT IS ORDERED:

1. That insofar as the application herein seeks a certificate of public convenience and necessity to provide water service in Del Dayo Estates (also known as Del Deyo Estates) as described in the foregoing interim opinion, said application be, and it is, denied.

2. That, except to the extent that Application No. 37421 is herein denied, said application and the submission thereof on August 17, 1956 remain, in all other respects, in full force and effect.

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 29th day of August, 1956.

John E. Mitchell
President

Justus F. Caseman

Roy L. Winterman

William H. Hoda

R. Hardy

Commissioners