

Decision No. 56351**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 LINCOLN OAKS WATER CO., INC., a
 California Corporation, for a cer-
 tificate of public convenience and
 necessity authorizing applicant to
 furnish public utility water service
 in certain portions of Sacramento
 County, California, to exercise
 franchise rights in connection there-
 with, and to issue and sell its capital
 stock.

Application No. 38485

Warren A. Palmer, for applicant.

William T. Sweigert, for San Juan Suburban Water
 District and L. Van Tongeren, for Greater North
 Area Sacramento Chamber of Commerce, protestants;

McKinney, Schaber, Cecchettini & McCarty by Gordon D.
 Schaber and James B. McKinney, for Lincoln Oaks
 Association, Inc., interested party.

Sidney J. Webb and W. B. Stradley, for the Commission
 staff.

OPINION ON REHEARING

By Decision No. 54680 dated March 19, 1957, in Amended Application No. 38485, Lincoln Oaks Water Company was granted a certificate of public convenience and necessity to construct, operate and maintain a water service in an area northeast of the City of Sacramento. On April 3, 1957, San Juan Suburban Water District, hereinafter referred to as San Juan, filed a petition for rehearing on the ground that it had not been notified of the original proceeding and that approximately 1100 acres of the certificated area granted to applicant overlapped its service area. On April 23, 1957, the Commission issued an order granting rehearing.

Rehearing was held before Examiner Thomas E. Daly on August 29, 1957, at Sacramento and the matter was submitted upon briefs, the last having been filed on February 4, 1958.

San Juan was formed as a master district to furnish water to three districts lying within its boundaries, i.e., Orangevale Mutual Water Company, Fair Oaks Irrigation District and Citrus Heights Irrigation District (hereinafter referred to as Citrus Heights). A portion of the latter district also falls within the overlap area, wherein it provides a limited retail water service.

With the exception of three subdivisions the overlap area is for the most part undeveloped land. At the time of rehearing the Grand Oaks Subdivision had 20 homes completed and 65 under construction. Those occupied were receiving water from applicant. The Sylvan Park Subdivision had 39 homes completed with 31 occupied and receiving water from applicant. The Cambridge Heights Subdivision is in the planning stage but the subdivider has requested and applicant has agreed to provide water service.

The record indicates that although Citrus Heights was requested by subdividers to extend water service to the overlap area it was unable to do so because it did not have the facilities to serve large acreage. This situation would continue, it was stated, until the first part of 1958, when it was expected that a new transmission line from San Juan to Citrus Heights would be completed. Upon its completion additional water from the new Folsom Dam would be made available.

After consideration the Commission is of the opinion and finds that public convenience and necessity require that Decision No. 54680 should be amended by eliminating the so-called overlap area. However, since applicant is presently serving two of the subdivisions heretofore mentioned and committed to serving the third, and since the record fails to demonstrate that San Juan and Citrus Heights are presently ready and able to provide such service said subdivisions will remain within applicant's service area.

During the course of rehearing it was stipulated by counsel for applicant and counsel for the Lincoln Oaks Association, Inc., that applicant's Schedule No. 2-R of Appendix A attached to Decision No. 54680 should be amended to provide that meters may only be installed at the option of the customers or at the option of the utility for service which is furnished to business establishments, residences with swimming pools, or as provided in the Utilities Rules and Regulations No. 16, Part F.

ORDER ON REHEARING

Rehearing having been held and the Commission being informed in the premises,

IT IS ORDERED:

(1) That ordering paragraph (1) of Decision No. 54680, dated March 19, 1957, in Application No. 38485 is hereby amended to read as follows:

"(1) That a certificate of public convenience and necessity is hereby granted to Lincoln Oaks Water Co., Inc., to construct and operate a public utility water system for the distribution and sale of water within the territory described as follows:

The area located in Sacramento County beginning at the intersection of Auburn Boulevard and Greenback Lane centerlines; thence southwesterly along center line of Auburn Boulevard to the intersection of Auburn Boulevard and Spruce Avenue centerlines; thence north along centerline of Spruce Avenue to the intersection of Spruce Avenue and U. S. 40 (Freeway) centerlines; thence northeasterly along centerline of said Freeway to the intersection of the east line of Rancho Del Paso, recorded in the office of the Recorder of Sacramento County in Book A of Surveys, Map No. 94, and the centerline of said Freeway; thence north along the east line of said Rancho Del Paso to the intersection of the east line of said Rancho Del Paso and the easterly production of the centerline of Grant Line Road; thence west along the centerline of the easterly production of Grant Line Road to the intersection of said

production line and the centerline of the Southern Pacific Railroad right of way; thence northeasterly along centerline of said railroad to the intersection of said railroad centerline and the Sacramento County line; thence east along said county line to the intersection of said county line and the boundary line of the San Juan Suburban Water District; thence south along said boundary line to its intersection with the east-west centerline of Sec. 3, R. 6E, T. 9N.; thence west along said centerline to the center of said Section; thence north along centerline of Dewey Drive to the intersection of Dewey Drive and Greenback Lane centerlines; thence west along centerline of Greenback Lane to the point of beginning, excluding the area certificated to Arlington Water Company by Decision No. 54521, dated February 11, 1957, in Application No. 38451.

Areas west of Auburn Road and the southerly extension thereof, designated as Grand Oaks and Sylvan Park Subdivisions, and that portion of Cambridge Heights Subdivision lying south of Crestline Drive as recorded in the office of the Recorder of Sacramento County."

(2) That Special Condition No. 2 as set forth on page 2 of Appendix A attached to Decision No. 54680 dated March 19, 1957, in Application No. 38485 is hereby amended to read as follows:

"(2) A meter may be installed at option of the customer for above classifications in which event service thereafter will be furnished only on the basis of Schedule No. 1, General Metered Service. After a meter is installed, metered service must be continued for at least 12 months before service will again be furnished at flat rates."

(3) That applicant shall, within thirty days after the effective date of this order, revise its presently filed tariff schedules, including tariff service area map, in conformance with General Order No. 96, to provide for the application of said tariff schedules within the area as set forth in ordering paragraph (1) and in accordance with ordering paragraph (2) herein, such revised tariff sheets to become effective on five days' notice to the Commission and to the public after filing as hereinabove provided.

(4) That applicant shall, within forty days after the effective date of this order, file four copies of a comprehensive map drawn to an indicated scale not smaller than 2,000 feet to the inch delineating its service area as set forth in ordering paragraph (1) hereof.

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

Dated at San Francisco, California, this 17th day of March, 1958.

[Signature]
President

[Signature]

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Commissioners