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Decision No. 58354

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARTHA DYAR, Complainant, vs. SOUTHWEST WATER COMPANY, Defendant.	)	Case No. 6209

Martha C. Dyar, complainant, in propria persona.
Arthur D. Guy, Jr., and John C. Luthin, for defendant.
Parke L. Boneysteele for the Commission staff.

O P I N I O N

Public hearing was held in this matter before Examiner Grant E. Syphers in Los Angeles on March 16, 1959, at which time evidence was adduced and the matter submitted.

Southwest Water Company is a public utility supplying water in various areas in San Bernardino, Riverside and Los Angeles Counties. The area here concerned is the La Sierra District in Riverside County. The complainant is the owner of property located at 6182 Norwood Place in Arlington, California, on which she plans to build certain houses for rental purposes. The property is 200 feet by 356 feet and complainant contemplates the construction of ten units. Each unit will have two bedrooms and will consist of approximately 850 square feet. As access to these houses she plans to have a twenty-foot driveway from Norwood Place.

The complainant has applied to the defendant water company for water service, and that company has advised her that it will cost

$3,712.19 to install water distribution facilities. The defendant estimates that it would be necessary to install a six-inch main and ten individual services, one for each of the ten houses. The defendant company conceded that this six-inch main would be more than ample to serve complainant's property, but contended it was necessary in order to provide adequate facilities for future service to others in the area and also for fire protection. The evidence discloses that the area does not have any local fire service now, the fire protection being supplied by the Forestry Department. However, upon cross-examination a witness for the company conceded that a six-inch main was not necessary for this installation.

The evidence further discloses that the defendant company has a 1½-inch main presently installed along Norwood Place in front of defendant's property. There now are fourteen customers connected to this line.

The point at issue here is whether or not the proposed property is a subdivision. The plaintiff contends it is not since she does not intend to sell any of these units. Further, she pointed out that the 20-foot driveway giving access to them would not meet the requirements for a subdivision, and accordingly she could not obtain a permit to sell any individual unit. She contends that it is her purpose to construct this property and rent the units. The defendant, on the other hand, takes the position that this is a subdivision, that the existing 1½-inch main is inadequate to serve it and that, therefore, complainant should pay for the installation of a six-inch main plus the installation of individual services to each of the ten houses. Therefore, it is the position of the defendant that this request for service should be considered under Section C of Rule No. 15 which covers main extensions to serve subdivisions.

A consideration of all of the evidence adduced herein leads us to find that this is not a subdivision. The evidence is uncontradicted that the complainant intends this as rental property, and that, under the existing laws and regulations relative to subdivisions the individual units cannot be sold since the 20-foot driveway is not sufficient to meet the requirements of a street for a subdivision. Accordingly, we now hold that the defendant, a public utility, is required to provide this service under its Section B of its Rule No. 15 which provides for extensions to serve individuals. Furthermore, this service, under Section B of defendant company's Rule No. 18, may, at the option of the applicant (the complainant in this case), be by either of the following methods:

1. Through separate service connections to each or any thereof.

2. Through a single service connection to supply the entire premises, in which case only one minimum charge will be applied.

The ensuing order will provide that the defendant shall furnish water to the complainant as an individual according to Section B of its Rules Nos. 15 and 18. Service to the complainant's property line does not require an advance since a distribution main exists and an extension is not involved. Section B of Rule No. 15 further provides as follows: "... exclusive of the cost of service connections and meters and exclusive of any costs of increasing the size or capacity of the utility's existing mains or any other facilities used or necessary for supplying the proposed extension. ..."

O R D E R

Complaint as above entitled having been filed, public hearing having been held thereon, the Commission being fully advised in

the premises and hereby finding it to be not adverse to the public interest,

IT IS ORDERED that Southwest Water Company be, and it hereby is, directed to furnish water service to Martha Dyar as an individual at her property at 6182 Norwood Place in Arlington, California, under Section B of its Rules Nos. 15 and 18 and that said water company shall not require an advance for service to the complainant's property line.

The Secretary is directed to cause a true copy of this order to be served upon Southwest Water Company, and the effective date of this order shall be twenty days after such service.

Dated at San Francisco, California, this 5th day of May, 1959.

C. Lyn Fox
President

Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.