

**ORIGINAL**Decision No. 58762

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

N. Warne Lark and  
Phillip E. Guidotti, a  
Copartnership, DBA  
Lark and Guidotti,                      Complainants,

vs.

Case No. 6243

Citizen's Utilities Co.  
of California, a  
corporation,                      Defendant.

Phillip E. Guidotti and N. Warne Lark, complainants.  
Orick, Dahlquist, Herrington & Sutcliffe,  
by Warren A. Palmer, for defendant.

OPINION AND ORDER

This complaint was filed March 24, 1959. In essence, complainants allege that defendant's requirement for a real-estate subdivision main-extension deposit based on the use of 6-inch water mains is unjust and unreasonable and, further, that 4-inch water mains would be adequate, just and reasonable.

Defendant, by its answer filed April 23, 1959, generally denies the allegations of complainants. Defendant in essence alleges that 6-inch water mains are essential if adequate water service is to be rendered by it and, further, that this Commission's General Order No. 103 requires the installation of the size of main specified by defendant.

Public hearing in the matter was held before Examiner F. Everett Emerson on May 13 and June 5, 1959. The matter was submitted on the latter date and is now ready for decision.

Complainants intend to progressively subdivide about 25 acres of land into residential building sites adjacent to Vacation Beach, along the Russian River, in Sonoma County. They have sought

water service for the subdivision from defendant. Defendant has proposed to supply the water service, by means of 6-inch pipe, except for a relatively short distance of 4-inch pipe to be used as a "tie-in" through the middle of the subdivision, and has advised complainants that an advance of funds to cover such construction would be necessary.

Defendant's main extension rule, as applicable to complainants' subdivision, provides, in part, as follows:

"An applicant for a main extension to serve a new subdivision, . . . shall be required to advance to the utility before construction is commenced the estimated reasonable cost of installation of the mains, from the nearest existing main at least equal in size to the main required to serve such development . . . . If additional facilities are required specifically to provide pressure or storage exclusively for the service requested, the cost of such facilities may be included in the advance upon approval by the Commission." (Emphasis supplied).

The evidence is clear, from the testimony of a Commission staff engineer, that a 4-inch main is adequate for supplying complainants' subdivision and that installation of such main will meet the requirements of this Commission's General Order No. 103 and the Commission finds the facts so to be. Further, from the evidence the Commission finds that the nearest main of equivalent size is located in Neeley Road approximately 375 feet south of Montesano Lane and that it is from such main that an extension should be made to serve complainants' subdivision.

Defendant desires to install larger than 4-inch mains. It has made no convincing showing, however, that such is necessary or that larger sized mains or other additional facilities are required exclusively for the service requested. Under the circumstances, the Commission concludes that, in this particular instance, defendant

has misapplied its main extension rule and that complainants are entitled to the relief sought. Accordingly, good cause appearing therefor,

IT IS ORDERED that Citizens Utilities Company of California shall determine the advance of funds to be required of complainants herein upon the basis of 4-inch mains extended from the existing 4-inch main in Neeley Road south of Montesano Lane as delineated on Exhibit No. 3 in this proceeding.

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

Dated at San Francisco, California, this 14th day of July, 1959.

Ernest R. Fungo  
President  
John E. Decker  
William H. Gale  
E. Lynn Fox  
Theodore J. Deemer  
Commissioners