

ORIGINAL

Decision No. 65191

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of LESSER WATER COMPANY to
extend service to contiguous territory;
to expand water system; authority to
issue stock; request for ex parte.

Application No. 45206
(Filed February 25, 1963)

O P I N I O N

Lesser Water Company, a California corporation, (applicant), by the above-entitled application requests a certificate of public convenience and necessity to extend service from its existing service area in Ventura County to a contiguous nursing home grounds comprising 12.4 acres.

Applicant presently is authorized to operate a public utility water system in 9 contiguous tracts and a school area comprising approximately 312 acres. The proposed extension is adjacent to the said certificated area and on the east thereof.

Applicant alleges that the area sought to be served is owned by the Sisters, Servants of Mary; that they intend to build thereon a nursing home with an initial development of 39 beds and an ultimate growth of approximately 100 beds; that the nursing home must have an assurance of water from applicant immediately in order to secure the state grant necessary to construct the development; that said home is badly needed and construction thereon is about to commence; and that if this application is not granted the home will be faced with additional costs that could possibly cause delay in the construction of the needed facility.

Applicant has 11 wells in the existing service area producing a total of 641 gallons of water per minute, and 840,000 gallons of storage capacity. The maximum development in the presently existing area will be approximately 1,210 connections. There is in the area sought to be served a well producing 80 gallons of water per minute which well will be acquired by applicant if the certificate is granted. An engineering firm hired by applicant has advised the Commission that the wells and the storage in use at present without the additional well to be acquired are adequate to provide water for the entire area and uses contemplated. In addition to this water supply applicant alleges that on October 11, 1960, the Calleguas Water District in which the applicant's proposed area is situated voted to join the Metropolitan Water District and authorized the financing of the water facilities to be built by bonded indebtedness. As a result Metropolitan Water allegedly will be available to the property herein sought to be served approximately in the Fall of 1963 and that the importation of Metropolitan Water gives further guarantee to the consumers of an adequate water supply.

Applicant further alleges that it owns all the water rights underlying the area presently certificated and will own the water rights in the area sought to be certificated and that it owns all the wells in the certificated area and will own the well in fee in the area sought to be certificated.

Applicant has a Ventura County franchise covering the entire area served and sought to be served. Applicant alleges that the Ventura County Department of Public Health has run bacteria tests on the water in the proposed new well and that the tests have been negative.

To use the well in the extended area it will be necessary for applicant to expend an estimated amount of \$3,000 to rehabilitate it. Applicant proposes to acquire title to such well and to improve it. Because of the present poor condition of the well it is not useful to the hospital and the latter will contribute it to applicant with the understanding, however, that if the rehabilitation expense is less than the \$3,000, applicant will pay to the hospital the difference between the actual cost and such estimated amount.

Service will be at applicant's rates on file with the Commission.

The applicant alleges that copies of the application were served on all water companies in the area. There have been no protests received by the Commission.

A public hearing is not necessary.

Inasmuch as construction of the water facilities should begin as soon as reasonably possible, it appears that an early determination of this application is required. For that reason the effective date of this order will be the date hereof.

The authority herein granted is subject to the conditions and restrictions set forth in the order herein and to the further restriction that applicant shall not extend service beyond its presently certificated areas and the area herein authorized in Ventura County, California, without further order of this Commission.

Findings

Upon consideration of the evidence the Commission finds as follows:

1. Public convenience and necessity require that the application be granted as set forth in the ensuing order.
2. Applicant possesses the financial resources to construct and operate the proposed water system.
3. The proposed rates are fair and reasonable for the service to be rendered.
4. Applicant's water supply and distribution facilities will provide reasonable service for the proposed certificated area and will meet the minimum requirements of General Order No. 103.

The certificate hereinafter granted is subject to the following provision of law:

The Commission shall have no power to authorize the capitalization of this certificate of public convenience and necessity or the right to own, operate, or enjoy such certificate of public convenience and necessity in excess of the amount (exclusive of any tax or annual charge) actually paid to the State as the consideration for the issuance of such certificate of public convenience and necessity or right.

O R D E R

IT IS ORDERED that:

1a. A certificate of public convenience and necessity is granted to Lesser Water Company authorizing it to construct and operate a public utility water system for the distribution and sale of water within the area described as:

PARCEL I:

That portion of the southwest quarter of Section 12, Township 1 North, Range 20 West, Rancho El Conejo, in the County of Ventura, State of California, as per map recorded in Book 1, Page 746 of Deeds in the Office of the County Recorder of said County described as follows:

Beginning at a point on the westerly line of said Section 12, which is North $0^{\circ} 20' 10''$ East, 30.30 feet from a 2-inch iron pipe on the centerline of Borchard Road as said road was described in Deed to County of Ventura, recorded in Book 420, Page 156 of Official Records; thence from said point of beginning; North $0^{\circ} 20' 10''$ East, 1328.06 feet; thence along a line parallel with the quarter section line; South $89^{\circ} 56' 30''$ East, 157.79 feet; thence along a line parallel with the westerly line of said Section 12; South $0^{\circ} 20' 10''$ West, 276.06 feet; thence along a line parallel with the quarter section line; South $89^{\circ} 56' 30''$ East, 137.77 feet, more or less to a point on the East line of that certain parcel of land deeded to Walter Kelley and recorded in Book 751, Page 263 of Official Records, as recorded in the Office of the County Recorder of the County of Ventura; thence along the East line of said parcel of land; South $0^{\circ} 20' 10''$ West, 1010.95 feet, more or less to the northerly line of above said Borchard Road; thence along said northerly line; South $82^{\circ} 07' 45''$ West, 250.90 feet to an angle point in said northerly line; thence continuing along said line; South $82^{\circ} 16' 15''$ West, 47.71 feet, more or less to the point of beginning.

This and other land as shown on a Licensed Surveyor's Map filed in Book 16, Page 60 of Record of Surveys.

PARCEL II:

That portion of the southwest quarter of Section 12, Township 1 North, Range 20 West, Rancho El Conejo, in the County of Ventura, State of California, as per map recorded in Book 1, Page 746 of Deeds in the Office of the County Recorder of said County described as follows:

Beginning at a point in the westerly line of said southwest quarter of Section 12, distant along said westerly line North $0^{\circ} 20' 10''$ East 1358.36 feet from a 2-inch iron pipe set at the intersection of said westerly line with the centerline of that certain strip of land 60.00 feet wide, locally known as and called "Borchard Road" as described in the Deed to Ventura County recorded in Book 420, Page 156 of Official Records; thence parallel with the northerly line of said southwest quarter of Section 12;

South 89° 56' 30" East, 157.79 feet; thence parallel with the westerly line of said southwest quarter of Section 12, South 0° 20' 10" West, 276.06 feet; thence parallel with the northerly line of said southwest quarter of Section 12; South 89° 56' 30" East, 137. feet to the easterly line of the westerly 295.56 feet measured along the northerly line of said southwest quarter of Section 12; thence along said easterly line; North 0° 20' 10" East 876.21 feet to the northerly line of said southwest quarter of Section 12; thence along said northerly line; North 89° 56' 30" West, 295.56 feet to a 2-inch capped iron pipe set at the northwesterly corner of said southwest quarter of Section 12; thence along the westerly line thereof; South 0° 20' 10" West, 600.15 feet to the point of beginning.

The above described property being Parcels 1 and 2 of that certain real property as conveyed to Sisters, Servants of Mary, Trained Nurses, a Corporation, per Document No. 47362 and recorded December 18, 1959, in Book 1808, Page 306 of Official Records.

1b. Applicant is authorized to apply its presently filed tariffs, to the areas certificated herein.

1c. Applicant is authorized and directed to revise, within thirty days after the effective date of this order and in conformity with General Order No. 96-A, such of its tariff sheets, including a tariff service area map acceptable to this Commission, as are necessary to provide for the application of its tariff schedules to the areas certificated herein. Such tariff sheets shall become effective upon five days' notice to the public and this Commission after filing as hereinabove provided.

2. Applicant shall not extend its system or service outside its presently certificated service area and the area herein certificated without first securing authority from this Commission so to do by further order of the Commission.

3. Applicant shall notify this Commission, in writing, of the date service is first rendered to the public under the rates and rules authorized herein, within ten days thereafter.

4. Applicant shall file, within thirty days after the system

is first placed in operation under the rates and rules authorized herein, four copies of a comprehensive map, drawn to an indicated scale of not more than 400 feet to the inch, delineating by appropriate markings the tracts of land and territory served; the principal water production, storage and distribution facilities; and the location of the various water system properties of applicant.

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

Dated at San Francisco, California, this 9th day of APRIL, 1963.

George G. Hoover
President

Edward J. [unclear]

Walter W. [unclear]

Fredrick B. Holhoff

William G. [unclear]
Commissioners