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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN A. SEAMAN and WAREHAM C.
SEAMAN,

Complainants,

vs.

NORTH GUALALA WATER WORKS,

Defendant.

Case No. 7373
(Filed June 6, 1962)

George E. Couper, for complainants.
Leo M. Cook, for defendants.
John D. Reader, for the Commission staff.

O P I N I O N

After notice in accordance with the Commission's procedural rules, a consolidated hearing on this complaint and on defendants' request for increased rates for water service (Application No. 44557) was held before Examiner Coffey at Gualala on November 28, 1962. This complaint was submitted for decision on the receipt of briefs on March 28, 1963. The application will be decided by separate order.

The complaint alleges that defendants refused to provide year-round service to a dwelling owned by complainants. Defendants answered that they are presently providing standby service, that they have filed a request to increase their service area which will include the dwelling of complainants, and that the present water line which would be extended to supply said dwelling is too small (one inch).

The dwelling of complainants and three adjacent neighbors presently receive water from another water system which obtains its supply from a spring to which the complainants had a water right. In September 1961, the complainants executed a quitclaim deed to Riverside Town House, releasing without compensation their water rights, which according to the president of said corporation was needed to develop the property to which the rights pertained.

Complainants are presently receiving water through their system but are advised that the service may be terminated shortly by the holder of said quitclaim deed.

The father of complainants testified he requested water service to complainants' house subsequent to delivery of said quitclaim deed and that defendants refused.

The presently filed tariffs of defendants show that the dwelling of complainants is not within the presently filed service area. The map of defendants' proposed service area shows complainants' house is within proposed service area. We find that complainants' house is outside of present filed service area.

Since 1957 defendants have been providing standby service to complainants' house and adjacent homes and have been billing, and receiving payment from, occupants thereof for said service. We find that defendants have dedicated their property to render public utility water service to said house of complainants under defendants' tariffs filed with this Commission.

We find that it is reasonable for the purpose of this order to authorize a deviation from General Order No. 103 to permit service by a noncirculating 2-inch pipeline to the Juarez house,

complainants' house and the three houses jointly being presently served with complainants by defendants. At such time as the proposed 4-inch transite main is installed along State Highway No. 1 the dead-end can readily be eliminated.

We find that it is reasonable to authorize a deviation from defendants' filed main extension rule and to require as a condition of service that complainants shall pay to defendants the actual cost of enlarging the main presently serving the Juarez house to two inches in diameter.

One of complainants testified that they have no plans for, nor contemplation of, subdividing their property. Defendants' filed Main Extension Rule No. 15 sets forth the conditions of service to new subdivisions. We find that service to complainants will not provide the free extension of a water main to a new subdivision if defendants follow the provisions of their filed tariffs.

Defendants are reminded that they must serve all of their customers in accordance with their filed tariffs, unless authorization is first obtained from this Commission to deviate therefrom.

O R D E R

IT IS ORDERED that:

1. Defendants shall within thirty days after the receipt of the main extension advance as hereinafter provided enlarge to two inches in diameter the water distribution main presently serving the Juarez home located on old State Highway No. 1, extend said enlarged main as may be required to serve complainants' dwelling, and install and connect such other equipment as may be needed to serve said

dwelling. Said enlarged main shall be approximately the length of the present main which is to be enlarged. For said enlarged main, defendants are authorized to deviate from the 250-foot maximum length of noncirculating 2-inch pipeline specified in General Order No. 103.

2. As a condition of receiving public utility water service from defendants, other than that presently being rendered, complainants shall advance to defendants, before construction is commenced, the estimated reasonable cost of enlarging to two inches the water distribution main to serve complainants' dwelling and of extending said two-inch main which exceeds the estimated reasonable cost of sixty-five feet of said main extension, exclusive of the cost of service pipes, meter boxes and meters. For said enlarged main, defendants are authorized to deviate from the provisions of their filed main extension rule which permits the collection of advances for enlarging mains only from subdivisions.

3. Within sixty days after the beginning of service by means of said enlarged and extended main, defendants shall file with this Commission a statement of the amount of the advance received from complainants and of the actual construction cost of said main, less sixty-five feet, less salvage, showing in reasonable detail the costs incurred for material, labor, any other direct and indirect costs, overheads, and total costs; or unit costs; or contract costs, whichever are appropriate.

4. Any differences between the actual cost of enlarging and extending said main, less sixty-five feet, and the amount advanced by complainants shall be a revision of the amount of the advance

and shall be payable within thirty days of the date of submission of said statement.

5. The money so advanced shall be refunded by defendants, in cash, in accordance with the provisions of their tariffs on file with this Commission on June 6, 1962.

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

Dated at San Francisco, California, this 18th day of JUNE, 1963.

George A. Hoover
President
Robert W. [unclear]
Fredrick B. Helloff
William M. [unclear]
Commissioners