

ORIGINAL

Decision No. 65916

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
STATE WATER COMPANY and CONEJO)
VALLEY WATER COMPANY, both California)
corporations, for a certificate of)
public convenience and necessity)
authorizing applicants, or either of)
them, to furnish water service in the)
vicinity of Thousand Oaks, Ventura)
County, California, and other matters)
related thereto.)

Application No. 43124

Bacigalupi, Elkus & Salinger, by
William G. Fleckles, for Conejo
Valley Water Company, applicant.
Paul B. Noel, for Greater Parks Oaks
Property Owners Association, Tara
Property Owners Association,
Weathersfield Homeowners Associa-
tion, and Sunset Conejo Property
Owners Association, petitioners.
Elinore Charles and Chester O. Newman,
for the Commission staff.

INTERIM OPINION AND
ORDER ON FURTHER HEARING

A petition was filed on August 6, 1963, by the Greater
Parks Oaks Property Owners Association, Tara Property Owners Assoc-
iation, Weathersfield Homeowners Association, and Sunset Conejo
Property Owners Association requesting, among other things, that
the Commission enforce its order of January 8, 1963, by prohib-
iting Conejo Valley Water Company from extending water service to
Tracts 1406-3 and 1406-4, also known as Conejo Woods, in Ventura
County. On January 8, 1963, the Commission, upon rehearing, had

issued its Decision No. 64763, which provided by ordering paragraph 1 as follows:

"1. Pending further order of this Commission, Conejo Valley Water Company shall not accept applications for new water service connections to any premises not served prior to the effective date of this order, nor shall it serve such premises, unless the actual physical construction of the facilities for which the new service is desired was commenced prior to the effective date of this order."

Said order also set aside submission of the application for the receipt of such further evidence as might be proper.

Further hearing, as set by order dated August 13, 1963, was held before Examiner Patterson in Thousand Oaks on August 15 and 16, 1963, to determine whether Conejo Valley Water Company is complying with the provisions of Decision No. 64763 and whether further orders should be issued. The matter was submitted for interim decision at the close of argument on August 16, 1963.

The evidence shows that by notice of July 16, 1963 (Exhibit 1-F), Conejo advised all of its customers that water rationing was in effect and that outside watering would be permitted on alternate days only for one hour in the morning and one hour in the evening. By further notice of August 8, 1963 (Exhibit 2-F), Conejo advised its customers that water could not be used for irrigation of any plantings thereafter made, nor for washing driveways, sidewalks, patios, or other outdoor areas. The notice stated that unless a supplemental water source could be located in the area, the restrictions would remain effective for the balance of the summer.

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The vice president of Signature Development Company, the developer of Tracts 1406-3 and 1406-4, testified as to the status of development in these tracts and the manner in which facilities have been installed. Tract 1406-3 has 107 homes, of which approximately 100 have been sold, that is, deposits have been made by prospective buyers. Four or five of these homes are occupied under rental agreements. Tract 1406-4 has 82 homes and deposits from prospective buyers have been received on approximately 35 of them. None of the homes in this tract are occupied. Escrows have not been closed on any of the homes in either of the tracts. It is expected that the new homes will be occupied at a rate of about four per day.

The survey or staking of Tracts 1406-3 and 1406-4 was performed in December, 1962. In the period from January 23 to January 25, 1963, 270 feet of the water distribution system was installed in Unit 3, and 560 feet in Unit 4. The remaining 4,530 feet of pipe was installed in Unit 3 in June, 1963. None of the remaining 3,740 feet of pipe required to complete Unit 4 has been installed. Foundations for Unit 3 were started in April 1963, and for Unit 4 in July 1963. The witness for the developer testified that installation of a small amount of the water distribution system at the beginning of a development is not the normal practice, but was done in this instance upon the advice of representatives of Conejo that installation of part of the water distribution system prior to January 28, 1963, would be necessary to satisfy the requirements of Decision No. 64763.

The manager of the Calleguas Municipal Water District testified that Conejo has recently made a request for Metropolitan Water District water and that according to his best estimate, such water should be available to Conejo by February 1, 1964.

The manager of Village Water Company testified that his company has sufficient water to supply Tracts 1406-3 and 1406-4, but they are located outside of Village's certificated area. Likewise, the manager of Ventura County Water Works District No. 6 testified that his agency could serve the subdivision units without rationing and that with approval of its Board of Directors, service could be supplied on a surplus basis even though the area is outside the District's boundaries.

In Decision No. 64763, we found that the water table supplying Conejo's wells was dropping, productive capacity of those wells was decreasing, and the quality of the water was deteriorating, and in the light of those conditions, we found that public health, convenience and safety required that a restriction be placed upon Conejo's serving any additional customers until further order of the Commission.

It should have been abundantly clear from those findings that additional customers were not to be served. The exception included in ordering paragraph 1 of the decision was for the sole purpose of alleviating hardship in those individual cases where physical construction of dwellings or other structures was under way on the effective date of the decision. The mere act of surveying new tracts or of installing small portions of

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the water distribution systems from which the service would be provided would not qualify as proper exceptions.

We find that if Conejo Valley Water Company accepts applications for water service or serves premises located in Tracts 1406-3 and 1406-4, it will be violating Decision No. 64763.

We find that a critical water situation exists in the service area of Conejo Valley Water Company, therefore,

IT IS ORDERED that:

1. Conejo Valley Water Company, pending further Commission order herein, shall immediately cease and desist and shall refrain from:

(a) Extending its water lines to, or from serving any customer not now served, either within or without its service area, and including specifically Tracts 1406-3 and 1406-4, Ventura County, and

(b) Serving for construction purposes any water which meets the California Department of Public Health standards for a temporary water supply permit.

2. In the event that, as a result of depletion of water supply, any further restrictive water rationing steps are adopted, or an interruption of service to any of its customers occurs, or is foreseen to be imminent, Conejo Valley Water Company shall, without delay, fully advise this Commission as to all the particulars thereof by telegram.

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The Secretary of the Commission is directed to cause a certified copy of this order to be served forthwith upon Conejo Valley Water Company and to cause copies of this order to be mailed to all parties of record and to Signature Development Company, Gibraltar Tower, Suite 300, 9107 Wilshire Boulevard, Beverly Hills, California.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this
20th day of August, 1963.

William M. Bennett
President

Carol A. Baga
George G. Trover
Fredrick B. Holbluff
Commissioners

Commissioner Peter E. Mitchell
present but not voting.