

ORIGINAL

Decision No. 66474

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 and Edmund T. Texeira, for
 the Commission staff.

OPINION ON REHEARING

The complaint alleged that defendants refused to provide year-round service to a dwelling owned by complainants. After hearing the Commission ordered defendants to serve complainants by enlarging an existing distribution main upon the receipt of the cost of enlarging said main. (Decision No. 65569, dated June 18, 1963.) On August 13, 1963, the Commission granted defendants' request for a rehearing.

Rehearing on this complaint was held before Examiner Coffey on September 20, 1963 at Gualala and the matter was submitted for decision on October 14, 1963, upon the receipt of the reporter's transcript.

Ordering paragraphs of Decision No. 65569 provide as follows:

"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."

Defendants presented testimony at the rehearing that they do not hold an easement for the right-of-way of the one-inch line

ordered to be enlarged to 2 inches where it crosses private residential property; that the owner of said property refuses to grant permission for the enlargement of said line; that excluding right-of-way, the cost of enlarging 300 feet of said line to two inches would be approximately \$1,800; that the cost of serving complainants over public right-of-way would be in excess of \$7,200 for 3,500 feet of two-inch line; and that complainants could be served over other rights-of-way at costs intermediate to the foregoing amounts.

The owner of the land traversed by said one-inch line testified that to enlarge the line would cause considerable damage to his property but that he was willing to give permission for the line to be installed along the boundary of his property common with that of complainants.

A staff witness testified that defendants' estimated unit costs for installation of mains are reasonable and that from a two-inch main, eleven 3/4-inch service connections are allowable.

In addition to those findings set forth in Decision No. 65569, we find that:

1. The reasonable cost of enlarging the one-inch main to serve the dwelling of complainants is \$1,800, exclusive of any right-of-way costs.
2. Reasonable service will be rendered to complainants' dwelling by a noncirculating two-inch pipeline to which no more than eleven 3/4-inch service pipes are connected.
3. 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 \$1,800 which is equivalent to the reasonable cost of enlarging said one-inch main, exclusive of right-of-way cost.

4. It is reasonable that complainants should not be required to advance to defendants the costs of securing rights-of-way or of an installation cost greater than that of enlarging said one-inch line, but that complainants as a condition of service should at the request of defendants grant without charge such rights-of-way across their property as defendants may reasonably need to serve complainants' dwelling. Defendants have the obligation as a public utility to secure title to easements used.

We conclude that:

1. Defendants should be required to provide year-round service to the dwelling owned by complainants upon defendants receiving from complainants the sum of \$1,800 and such rights-of-way across complainants' property as defendants may reasonably require to serve complainants.

2. Defendants should be permitted to determine the size and route of the facilities to be used to serve complainants' dwelling.

3. A deviation to General Order No. 103 should be authorized to permit defendants to serve complainants' dwelling by a noncirculating two-inch pipeline to which no more than eleven 3/4-inch service pipes are connected.

ORDER ON REHEARING

IT IS ORDERED that ordering paragraphs 1, 2, 3, 4, and 5 of Decision No. 65569 are deleted and substituted therefor are the following:

1. Defendants shall within thirty days after the receipt of the main extension advance and right-of-way, as hereinafter provided, extend such water distribution main of not less than two inches in diameter as may be required to serve complainants' dwelling, and install and connect such other equipment as may be needed to serve said dwelling. For said main, defendants are authorized to deviate from the 250-foot maximum length of noncirculating two-inch pipeline specified in General Order No. 103, provided no more than eleven 3/4-inch service pipes are connected to said distribution main.

2. As conditions of receiving public utility water service from defendants, other than that presently being rendered, complainants shall advance to defendants, before construction is commenced, \$1,800, or such lesser amount as defendants may require; and complainants shall grant to defendants without charge such rights-of-way over complainants' property as defendants reasonably may need to serve complainants' dwelling.

3. Within sixty days after the beginning of service by means of said 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. If the amount of the actual cost of extending a two-inch water distribution main to complainants' dwelling from the then nearest point of connection to an existing main of not less than two inches'

diameter, less sixty-five feet, is less than the amount advanced by complainants, such difference 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. Should said extended main be in whole or in part greater than two inches in diameter, said actual cost shall be approximated by multiplying \$2.00 by the distance between said point of connection and the meter serving complainants, less sixty-five feet.

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 17 day of DECEMBER, 1963.

Hallam L. Bennett
 President

John E. ...

Wesley ...

George T. Hoover

Fredrick B. Hobbs
 Commissioners