

ORIGINALDecision No. 66708

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GARDEN WATER CORPORATION, a corpora-)
 tion, for a certificate of public) Application No. 43161
 convenience and necessity authorizing) (Filed February 16, 1961;
 Applicant to furnish water service to) Amendment filed
 Tracts 2394 and 2427 in the vicinity) June 16, 1961)
 of Bakersfield, Kern County,)
 California.)

In the Matter of the Application of)
 GARDEN WATER CORPORATION, a corpora-) Application No. 43552
 tion, for authority to increase water) (Filed June 27, 1961)
 rates in the vicinity of Bakersfield,)
 Kern County, California.)

Gibson, Dunn & Crutcher, by Raymond L. Curran,
 For applicant.
Edmund J. Texeira, for the Commission staff.

O P I N I O N

On May 14, 1963, these applications were reopened for
 further hearing for the following purposes:

1. To inquire into the extent of compliance or noncompliance by applicant with the provisions of the orders in these proceedings, and into the reasons for any noncompliance therewith.
2. To determine whether or not the rates being charged for water service by applicant should be reduced or otherwise modified.
3. To enter any order or orders that may be appropriate.

Public hearings were held before Examiner Coffey in San Francisco on October 8, 1963. The matters were submitted on December 2, 1963, upon the receipt of late-filed Exhibit 102.

Staff field investigations disclosed that applicant had, in general, not been prompt in effecting compliance and that as of October 2, 1963 it had not complied with the following ordering paragraphs of Decision No. 63016, dated January 9, 1962:

- "8. On or before February 28, 1962, applicant shall:
- b. Install and place in operation suitable pumping equipment to increase the capacity of the existing Gordon Avenue plant to at least 600 g.p.m. of water, and also the necessary facilities to provide an additional source of water supply for the Gordon Area of not less than 300 g.p.m., or the equivalent alternates thereof.
- "9. On or before April 30, 1962, applicant shall install and place in operation:
- b. Approximately 1,620 feet of pipe having an inside diameter of not less than eight inches, from the Rexland Avenue pumping plant to the intersection of Garber Way and Pacheco Road.
 - c. Approximately 750 feet of pipe having an inside diameter of not less than four inches, on Bryant Street westerly from its intersection with Garber Way, to eliminate the three dead-end mains which serve premises fronting on Karen Place, Gary Place and Brenda Place.
- "10. Prior to the date service is first rendered to the public within the area described in paragraph 1.b of this order and that portion of paragraph 1.a pertaining to the Gordon Area, under the rates and rules authorized herein, applicant shall apply to the public health authority having jurisdiction for a water supply permit for the proposed system, and within ten days thereafter shall report to the Commission, in writing, that application has been made for such permit.
- "11. If the certificate granted in paragraph 1 of this order pertaining to the area described in sub-paragraph b thereof is exercised, applicant shall dedicate to public utility purposes the lots or land areas on which the wells, pumps, tanks and related water supply facilities are located and any easements or permits where water mains are or will be located, otherwise than in streets or roads dedicated to public use, including the easement or right of way for the transmission line interconnecting the two distribution systems, and shall file with the Commission, not later than thirty days after the date service is first rendered to the public under the rates and rules authorized herein, one copy of each appropriate document showing such dedication, easement or permit."

In a letter dated November 29, 1963, applicant stated that the ordered pumping equipment installation and pipeline construction were completed and placed in service on or before November 21, 1963.

Applicant's president testified that an application for a water supply permit was filed with the State Department of Public Health in Fresno on October 3, 1963, and that the need for showing of dedication no longer exists inasmuch as all utility property is now located on property which the utility owns or is in public streets.

Applicant's president testified that the reason plant facilities were not installed as directed was the lack of funds, that applicant has only recently been able to borrow the necessary funds, and that the delay in applying for the water supply permit resulted from difficulty in obtaining necessary title to lands from subdividers.

We find that by November 21, 1963, applicant had complied with the quoted ordering paragraphs of Decision No. 63016, with the exception of submitting written notice of having made application for a water supply permit and documentary showing of dedication of facilities. We find it reasonable not to modify the rates authorized in Decision No. 63016. While cause appears for the delay in compliance with the order of this Commission, applicant's attention is called to Sections 2101 through 2113 of the Public Utilities Code, which set forth penalties for failure or neglect to comply with any order, decision, decree, rule, direction, demand, or requirement of this Commission. Further, in the future applicant is cautioned to submit to this Commission prompt reports and to request promptly any necessary extensions of time.

We conclude that ordering paragraph 10 of Decision No. 63016 should be modified to eliminate the requirement of reporting in writing that application had been made for a water supply permit and that ordering paragraph 11 should be deleted.

O R D E R

IT IS ORDERED that:

1. Ordering paragraph 10 of Decision No. 63016 is deleted therefrom and that the following is substituted therefor:

"10. Applicant shall apply to the public health authority having jurisdiction for a water supply permit for the proposed system."

2. Ordering paragraph 11 of Decision No. 63016 is deleted therefrom.

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

Dated at San Francisco, California, this 20th day of JANUARY, 1964.

William B. Bruns
President

W. J. [unclear]
W. J. [unclear]

George H. Grover

Fredrick B. Hallock
Commissioners