

ORIGINAL

Decision No. 68539

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Major-Blakeney Corporation,  
a corporation,

Complainant,

vs.

Suburban Water Systems,  
a corporation,

Defendant.

Case No. 8047  
(Filed October 23, 1964)

Robert W. Major, for complainant.  
Walker Hannon, for defendant.

O P I N I O N

A public hearing on the above complaint was held before Examiner Rogers in Los Angeles on December 23, 1964, at which the parties presented evidence and at the conclusion of which the matter was argued and submitted.

Complainant is engaged in the business of building and leasing apartments. It does not build apartments for sale, and the apartments herein considered are to be held and operated by complainant. The complaint alleges and the answer admits that on or about April 20, 1964, complainant requested a 2-inch service at 9212 Burke Street, Pico-Rivera, a then proposed 44-unit apartment house. Burke Street runs east and west and until sometime prior to the commencement of construction by complainant of the said apartment house, was zoned R-1 or single family. It is now zoned R-3 for apartments. At the time of the hearing herein the apartment building

at 9212 was within 30 days of completion. This address is on the south side of said street.

The assistant director of Public Works of the City of Pico-Rivera, testified, among other things, that the grade of Burke Street in the vicinity of 9212 is to be lowered between 1 foot and  $1\frac{1}{2}$  feet.

The parties stipulated that the following facts are true:

The water supply in the area is furnished by defendant and is from the following operating mains:

1. A 2-inch main on Burke Street between Passons Boulevard and Serapis Avenue (9212 Burke Street is in this block). Burke Street is 60 feet in width, runs east and west, and the main is approximately 10 feet from the even-numbered side thereof.

2. An 8-inch main on Burke Street between Serapis Avenue and Bequette Street. This main is connected to a  $2\frac{1}{2}$ -inch main on Bequette Street extending to Slauson Avenue, a distance of one block or approximately 400 feet.

3. An 8-inch main on Slauson Avenue between Bequette Street and Passons Boulevard.

4. An 8-inch main on Passons Boulevard between Slauson Avenue and Burke Street.

In April, 1964, complainant requested water service to 9212 Burke Street by a single  $1\frac{1}{2}$ -inch or 2-inch meter in contemplation of the construction of a 44-unit apartment house thereat. This address was then a single-family residential lot served by defendant through a  $5/8$ -inch meter. At that time defendant advised complainant

that a main extension was required either from Slauson Avenue and Serapis Avenue via Serapis Avenue and Burke Street, a total distance of 550 feet, or from Passons Boulevard and Burke Street via Burke Street to the property, a total distance of approximately 1,000 feet. Defendant estimated complainant's share of the cost of the shorter route to be \$5,500 and of the longer route to be \$6,500.

It is estimated there will be a total of 170 apartments on Burke Street between Passons Boulevard and Serapis Avenue. Forty-four of these units are occupied at present and the 44 units at 9212 were, at the time of hearing, 30 days from completion.

Defendant's vice president in charge of operations testified it has requests for service to two 44-unit apartments on Burke Street between Passons Boulevard and Serapis Avenue including one presently occupied and the one at 9212, and that an additional 82 apartments are to be constructed in this block in the near future. There is, he said, a 2-inch main on Burke Street, which has been adequate for the single-family development, but is and will be inadequate for the apartment house development now taking place. He contended that complainant should bear the expense of an adequate main installed under the subdivision main extension rule, as service to new subdivisions (Decision No. 64536, dated November 8, 1962, in Case No. 5501, Rules A-1-a and C-1-a).

Complainant contended that the water system is in place and that it is the responsibility of defendant to improve its system to adequately supply customers in the area.

Findings

On the evidence herein, the Commission finds that:

1. Defendant is now and has been for an extended period of time the sole public utility water company serving on Burke Street between Passons Boulevard and Serapis Avenue, Pico-Rivera. Until shortly before April 20, 1963, this area was a single-family residential area. Defendant furnished water to its consumers in said location by means of a 2-inch main on the south side of Burke Street and less than 50 feet from the south property line. The City of Pico-Rivera is planning to lower the grade of Burke Street in the designated block from 1 to 1½ feet but there is no definite date for this change.

2. The said 2-inch main is connected to an 8-inch main on Passons Boulevard which is approximately 1,000 feet east of 9212 Burke Street, and to an 8-inch main running from Burke Street and Serapis Avenue on Burke Street to Bequette Street. This latter main is connected to a 2½-inch main extending along Bequette Street to Slauson Avenue. The Passons Boulevard and the Bequette Street mains both join an 8-inch main on Slauson Avenue. Defendant's water supply is adequate to furnish water to the 44 units at 9212 Burke Street, and service to 9212, as proposed, will not jeopardize any existing consumer's water supply.

3. Complainant is constructing a 44-unit apartment house

at 9212 Burke Street. Complainant is in the business of building apartment houses, retaining said apartment buildings and leasing the individual apartments. It does not engage in the business of constructing apartment houses for sale. Complainant will have a single water meter at said apartment building and will be responsible for the costs of all water delivered through said meter for use in said apartment building.

4. The proposed water service to 9212 Burke Street is service to an individual consumer and requires no extension over 50 feet in length from defendant's water system and supply. If the existing mains will not permit defendant to furnish adequate service, defendant should be required to replace or modify the existing mains to the extent necessary to provide proper flow pursuant to and in conformance with this Commission's General Order No. 103. Defendant should not be permitted to assess any part of the cost of the mains outside of complainant's property line against complainant.

On the foregoing findings we conclude that defendant should be required to install and maintain an adequate main in conformance with General Order No. 103 at its sole expense.

O R D E R

IT IS ORDERED that Suburban Water Systems, a corporation, be and it hereby is directed to furnish water service to the Major-Blakeney Corporation, a corporation, at the latter's property at

9212 Burke Street, Pico-Rivera, in mains conforming to the requirements of General Order No. 103 and in conformance with its filed tariffs, rules and regulations, and that no portion of the expense of installing and/or maintaining the required main or mains shall be assessed against complainant.

The Secretary of the Commission is directed to cause a true copy of this order to be served upon Suburban Water Systems, and the effective date of this order shall be ten days after such service.

Dated at San Francisco, California, this 3rd day of February, 1965.

Frederick B. Halloff  
President

George H. Brewer

William C. Beards  
Commissioners