

ORIGINAL

Decision No. 69357

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

YUCCA VALLEY COUNTY WATER
DISTRICT, a public corporation,)
Complainant,)
vs.)
YUCCA WATER CO., a corporation,)
Defendant.)

Case No. 8145
(Filed March 15, 1965)

Wilson, Jones, Morton & Lynch, by John H. Holton,
for complainant.
John E. Sisson, for defendant.
Jerry J. Levander, for the Commission staff.

O P I N I O N

This complaint was filed pursuant to the provisions of Section 1001 of the Public Utilities Code on the basis that defendant, Yucca Water Company, Ltd., a public utility water corporation, under the jurisdiction of this Commission, is about to interfere with the operation of the line, plant or system of Yucca Valley County Water District, a public agency, already constructed, and proposes to extend its water system to serve Tract No. 7241 in Section 10, T1S, R5E, S.B.B.&M.

Public hearing was held before Examiner Warner on May 12, 1965, at Yucca Valley.

Complainant was organized under Division 12 of the California Water Code. Section 10 (except the N½ of the NW½) including Tract No. 7241 comprising 80 acres, is within complainant's boundaries. Said boundaries were established at the time of

complainant's organization when Section 10 (except the exception which excluded itself subsequent to the organization) was under single ownership. Said tract is contiguous to defendant's certificated area at the southeast corner of said exception.

As shown on Exhibit No. 1, a map of complainant's boundaries, Section 10 is isolated from complainant's general service area where about 640 customers are furnished water service. None of complainant's facilities have been constructed in Section 10, but Resolution No. 83, dated May 11, 1965, of complainant's Board of Directors, provides for the installation of a water main within Joshua Drive to provide water service to said section. As shown in Exhibit No. 4, said water main will extend one mile westerly along the north boundary of Section 11 where it will parallel an existing 6-inch main of defendant which serves customers in Section 2. The estimated cost to complainant of installations including its proposed 8-inch main to serve Section 10, is \$35,500. Additionally, construction of an 8-inch main from the northeast corner of Section 10 southerly to Tract No. 7241 will be required at a cost to the subdivider of said tract of \$4,500. The subdivider, pursuant to complainant's rules, which are Exhibit No. 2, will be required to donate the water system installed in his tract, and customers will be required to pay for meters at approximately \$90 each. The record shows that complainant's proposed water system installation would be unable to maintain adequate water pressures at customer service connections on approximately 40 percent of the lots in the subdivision because of differences in elevation. Also, adequate fire protection of 500 gpm, which is required by San Bernardino County ordinances, could be provided only by the installation by complainant of additional booster pumps.

costing approximately \$5,000. Who would bear their cost is not shown on the record.

Defendant proposes to serve Tract No. 7241 (Exhibit No. 6), comprising 134 lots, from an existing 210,000-gallon reservoir located within 10 feet of the northwest corner of said tract. Water service will be provided with an advance by the subdivider pursuant to defendant's rules covering an estimated cost of approximately \$25,775 for in-tract facilities (Exhibit No. 9), plus a contribution of this subdivider's 80-acre share of the cost of backup facilities which defendant proposes to install in order to provide adequate water service to 11 40-acre parcels in Sections 10 and 11 (Exhibit No. 10). The east half of the east half of said latter section is within complainant's boundaries. Defendant, established in the year 1945, furnishes water service to approximately 1,250 customers in the vicinity of Yucca Valley in unincorporated territory of San Bernardino County. Its sources of water supply are three wells with installed pumping plant production capacity of 1,000 gpm.

Complainant has sold \$450,000 of General Obligation Bonds, \$375,000 proceeds of which have been committed to the purchase of Joshua Forest Water Company, the former public utility water corporation furnishing water service within complainant's boundaries, not including Section 10, and \$75,000 proceeds of which have been or are to be used for the improvement, expansion and extension of complainant's water system.

The record shows that the subdivider of Tract No. 7241, over a period of nearly a year, attempted to secure water service and a statement of financial requirements from complainant, unsuccessfully. He turned to defendant for water service, which led to this complaint.

We find the complaint without merit. Defendant has not already constructed a water system in Section 10, and defendant's proposed water system extension will not interfere with complainant's existing system. About three-fourths of a mile separates two of complainant's areas, the larger of which contains complainant's existing system. We further find that complainant's proposal to serve Tract No. 7241 is uneconomical and inadequate.

On the other hand, we find that defendant can normally in the course of its business extend its water system contiguously to Tract No. 7241 and that such extension by defendant can be made economically and water service can be furnished adequately.

We conclude that the complaint should be dismissed.

ORDER

IT IS ORDERED that this complaint is dismissed.

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

Dated at San Francisco, California, this 7th day of JULY, 1965.

Fredrick B. Hallock
President

George E. Hoover
Commissioners

William C. Bennett
Commissioners