

**ORIGINAL**Decision No. 69919

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 CITIZENS UTILITIES COMPANY OF  
 CALIFORNIA, a California corporation,  
 for a certificate of public conven-  
 ience and necessity authorizing  
 applicant to furnish public utility  
 water service in a certain portion  
 of Yolo County, California.

Application No. 47431  
 (Filed March 24, 1965)

Bacigalupi, Elkus, Salinger & Rosenberg, by William G. Fleckles, for applicant.  
James H. Callaway, Jr., for City of Davis; Richard W. Graham, for Oakeside Mutual Water Company;  
Jack E. Peddy, for Meadowbrook Mutual Water Company; A. D. Webb, for Willowbank Club, Inc.;  
Donald M. Miller, for Willowbank Development Corporation; Frederick H. Brooks, for self and wife; protestants.  
William T. Sweigert, for Rowland Sweet & William Brittlund, Developers and Walker & Donant, Developers; interested parties.  
W. B. Stradley, for the Commission staff.

O P I N I O N

This application was heard before Examiner Gillanders at Davis on July 6 and July 7, 1965 and was submitted on August 6, 1965 after receipt of late-filed Exhibit 3 and the transcript. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules. The protestants are: City of Davis, Oakeside Mutual Water Company, Meadowbrook

Mutual Water Company, Willowbank Club, Inc., Willowbank Development Corporation, and Mr. and Mrs. Frederick H. Brooks.<sup>1/</sup>

Applicant, a California corporation, requests a certificate of public convenience and necessity to construct and operate a public utility water system near Davis in the County of Yolo. Applicant has substantial water and telephone operations in California. It furnishes water to about 13,700 customers with a combined plant investment of over \$5,000,000 in its California water systems. Its California Water Department headquarters is located in North Sacramento, approximately 16 miles from the proposed service area.

The proposed service area is in portions of Sections 7 and 8, T8N, R3E, and of Sections 12, 13 and 24, T8N, R2E, M.D.B.&M. (exclusive of the service areas of Oakside Mutual Water Company, Willowbank Club, Inc., Willowbank Development Corporation and Meadowbrook Mutual Water Company, and of the property of Mr. and Mrs. Frederick A. Brooks). It is located to the south of U. S. Interstate Highway 80 and to the east of the City of Davis. The western boundary is approximately one mile from the southeasterly city boundary of Davis. Applicant proposes to install water system

---

<sup>1/</sup> The protests of Oakside Mutual Water Company, Meadowbrook Mutual Water Company, Willowbank Club, Inc., and Willowbank Development Corporation were directed to the inclusion of their water systems in the description of the territory for which a certificate is sought herein. Mr. and Mrs. Frederick A. Brooks requested that their farm property located within the sought certificated area also be eliminated. Late-filed Exhibit 3 is a revised map eliminating from the proposed certificated area the service areas of the protestant water purveyors and the land owned by the Brooks.

facilities in only the northern part of the requested service area, comprising some 650 acres, if the requested certificate is granted.

Applicant intends to provide flat rate service to residential users and metered service to commercial users at the schedule of rates set forth in the application.

Applicant's vice president-general manager testified that the application stemmed from the written requests of four developers for water service by it in new subdivisions located within the proposed service area. These are designated as Subdivisions 1030, 1034, 1045 and 1049, County of Yolo. The witness also testified to the financial ability and experience of applicant and to other supporting data contained in the application. The proposed sources of water are to be two wells and associated pumping equipment to be installed if and when the application is granted. One well is to be located in Subdivision 1030 and the other in Subdivision 1034.

Two of the subdividers testified that they prefer water service from applicant even though their approved subdivision plans require dedication of water facilities and systems installed by them to the County of Yolo.

Protestant City of Davis presented documents and the oral testimony of several witnesses designed to show that El Macero Unit No. 1 Maintenance District of Yolo County is a public corporation providing water service to customers in an area adjacent to the area proposed to be certificated; that the Yolo County Board of Supervisors had approved annexation of Subdivision 1030 to said District; that said Board also had issued resolutions of intent to annex Subdivisions 1034 and 1045 to said District; and that approval

of the subdivision plans for Subdivisions 1030, 1034 and 1045 required that the subdividers install water production facilities and/or distribution systems and that such facilities and systems be dedicated to the County without cost. The evidence also showed that the subdivider of Subdivision 1030 had constructed a well and built pumping facilities at a cost of approximately \$55,000 and that such facilities have been dedicated to the County. Separate agreements were entered into between the City of Davis and the subdividers to the effect that if the City of Davis (which operates a water system) should annex to the City any of the subdivisions within a specified time, the City would reimburse the subdividers for the water production facilities and oversize mains installed by them. The position of the City of Davis was that the City's master plan calls for annexation of Subdivisions 1030, 1034 and 1045 to the City at some future date; that the City would then purchase the water systems in said areas; that the City desires to deal with as few entities as possible in acquiring said water systems; and that the City would prefer to deal with a governmental unit such as the Maintenance District.

The Commission takes official notice of the following additional facts:

On September 27, 1965, subsequent to submission of this proceeding, Subdivisions 1030, 1034 and 1045 were annexed to El Macero Unit No. 1 Maintenance District pursuant to Resolutions Nos. 65-190, 65-195 and 65-197, respectively, of the Yolo County Board of Supervisors; and, as of the date hereof, the City of Davis has not annexed Subdivisions 1030, 1034, 1035 or 1049 to said City.

The Commission staff presented an exhibit concerning a field study made of applicant's proposed operations and showing

estimated operating results under proposed rates. The staff recommended that if a certificate is granted the service area be limited to the area described in the staff exhibit.

Based upon the evidence in this proceeding, the Commission finds as follows:

1. Applicant is ready, willing and able to provide public utility water service in the area described in Exhibit 3.

2. The proposed service area specifically excludes the service areas of protestant water purveyors located within the exterior boundaries of said proposed service area. The area proposed to be served is largely uninhabited at the present time.

3. The County of Yolo has annexed Subdivisions 1030, 1034 and 1045 to El Macero Unit No. 1 Maintenance District, a county agency providing water service to property on the tax rolls of the County, and the County is ready, willing and able to provide water service to said subdivisions through said Maintenance District.

4. The majority of anticipated customers of applicant within its proposed service area will have water service available from El Macero Unit No. 1 Maintenance District of Yolo County at the time that said subdivided property is offered for sale.

5. Applicant has failed to establish that public convenience and necessity require the construction of a water system as proposed in Application No. 47431.

Based upon the foregoing findings of fact, the Commission concludes that Application No. 47431 should be denied.

ORDER

IT IS ORDERED that Application No. 47431 be and it is hereby denied.

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

Dated at San Francisco, California, this 9th day of NOVEMBER, 1965.

Fredrick B. Holbrook  
President

John E. Mitchell

George L. Traver

August

William B. Bennett  
Commissioners