

ORIGINAL

Decision No. 70738

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)

Additional Appearances:

Bacigalupi, Elkus, Salinger & Rosenberg, by
Claude N. Rosenberg, for applicant.
Bruce A. Somner, for Greater Willowbank
Improvement Association; and W. B. Carter,
for Meadowbrook Mutual Water Company,
protestants.

OPINION AFTER FURTHER HEARING

Applicant requests a certificate of public convenience and necessity to construct and operate a public utility water system near the City of Davis, in Yolo County.

Decision No. 69919, dated November 9, 1965, denied the authority requested, based on findings set forth in said decision, including findings that the County of Yolo had annexed Subdivisions 1030, 1034 and 1045 to El Macero Unit No. 1 Maintenance District, a county agency providing water service; and that the majority of anticipated customers of applicant within its proposed service area would have water service available from said District at the time that said subdivided property was offered for sale.

The Commission, on January 11, 1966, issued an order granting reconsideration, and reopened the proceeding for the taking of evidence to determine:

a. Whether any or all of applicant's proposed service area has been incorporated into El Macero Unit No. 1 Maintenance District of Yolo County.

b. If all the proposed service area has not been so incorporated, whether the application of petitioner should be granted in whole or in part.

Further hearing was held before Examiner Gillanders in Davis on March 14, 1966, and the matter was submitted.

Evidence was presented by representatives of the City of Davis, the County of Yolo, applicant, and a potential user of the proposed service. Statements in opposition to the application were presented by two mutual water companies who are protestants.

Applicant's proposed service area overlaps the southeastern city limits of the City of Davis and extends eastward therefrom. Included within the exterior boundaries of the proposed service area, but excluded from the application, are the service areas of the following mutual water companies: Willowbank Club, Inc., Meadowbrook Mutual Water Co., Willowbank Development Corporation, and Oakside Mutual Water Co. Also excluded are the properties of the State Division of Forestry and so-called Brooks Parcels 1 and 2 (farm properties owned by Mr. & Mrs. Frederick A. Brooks). The following recorded subdivisions are included in the proposed service area: Subdivisions 1030, 1034, 1045 and 1046. Also included are subdivisions tentatively approved by Yolo County, namely Subdivision 1049 and a subdivision described only as the "Miller" subdivision. The foregoing described areas and properties occupy approximately two-thirds of applicant's proposed service area. The remaining one-third is not described as to land use, but the record indicates such areas are undeveloped.

The City of Davis introduced certified copies of resolutions of the Board of Supervisors of Yolo County which show that Subdivisions 1030, 1034, 1045 and 1046 have been annexed by said County to El Macero Unit No. 1 Maintenance District.

The City of Davis also introduced a certified copy of an ordinance of that city enacted March 14, 1966, approving the annexation of "certain uninhabited territory" to said city. A witness introduced a map (Exhibit 25) which showed the boundaries of the areas annexed. Included in the annexation is Subdivision 1049. The witness described the water system operated by the City of Davis and the plans for extending the water system to the territory included in the annexation. The witness stated that when the annexation is completed, water service to the annexed territory will be provided by the City of Davis.

One of the owners of Subdivision 1049 testified that the owners had originally requested service from applicant; but, inasmuch as the subdivision is included in the territory annexed to the City of Davis, the owners now prefer that water service to Subdivision 1049 be furnished by that city.

A witness for the County of Yolo testified that with respect to Subdivisions 1030, 1034, 1045 and 1046, the Board of Supervisors required, as a condition to final approval of said subdivisions, that the subdividers install water distribution systems within said subdivisions and that such water distribution systems be deeded to the County, as operator of El Macero Unit No. 1 Maintenance District. The witness testified that it is the policy of the County to require, as a condition to final approval of all new subdivisions in the area here concerned, that the subdividers agree to construct and install water distribution systems, and that such systems shall be deeded to the County. The witness also introduced a minute order of the Yolo County Board of Supervisors which indicated that said Board will, as soon as practicable after completion of annexation proceedings,

commence negotiations with the City of Davis to the end that El Macero Unit No. 1 Maintenance District, or its functions, will be transferred to said city for the purpose of serving water to the inhabitants of the area in and around the District; and that pending such transfer, the Maintenance District stands willing and able to serve the District.

A representative of applicant testified that applicant filed the application herein following negotiations with the County of Yolo for the purchase of the water system operated by the County and, subsequent to the filing of the application, such negotiations collapsed. The witness stated that, in event the Commission should find that applicant should not be certificated for the areas where water service would be furnished by the City of Davis or the County of Yolo, applicant would accept a certificate for the remaining portions of its proposed service area, and would undertake public utility obligations within such certificated area at such time that the need for water service is manifested.

Based upon the record, the Commission finds as follows:

1. Subdivisions 1030, 1034, 1045 and 1046 are included within El Macero Unit No. 1 Maintenance District of Yolo County and said District is presently serving water to these subdivisions.

2. The City of Davis has annexed to said city certain territory, including Subdivision 1049, in the County of Yolo lying contiguous to said city (as more fully described in Exhibit 25); and the City of Davis, which operates a water system, stands ready, willing and able to furnish water service to the inhabitants of the territory so annexed to said city.

3. The portions of applicant's proposed service area not described in Findings 1 and 2 hereof are uninhabited, and no current need has been shown for the construction of a public utility water system within said area.

4. Public convenience and necessity do not require the construction of a public utility water system as proposed by applicant.

Upon reconsideration, the Commission concludes that the denial of Application No. 47431 should be affirmed.

O R D E R

IT IS ORDERED that the denial of Application No. 47431 is affirmed.

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

Dated at San Francisco, California, this 24th day of MAY, 1966.

Frederick B. Hallock
President
George F. Grover
Argaton
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.