

ORIGINAL

Decision No. 72109

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC GAS AND ELECTRIC COMPANY
for authorization to abandon a por-
tion of its Jackson Water System.
(Water)

Application No. 48520
(Filed June 1, 1966)

John B. Gibson, for applicant.
Daniel F. Gallery and Gard Chisholm, for
Frank J. Fuller and Alex Laughton,
protestants.
Angelo J. De Paoli, for Louis E. Ferry,
Esther G. Ferry and James Busi,
interested parties.
John D. Reader, for the Commission staff.

O P I N I O N

Pacific Gas and Electric Company seeks authority to
abandon a portion of its public utility irrigation water system.

Public hearing was held before Examiner Catey in Jackson
on August 10, 1966. Notice of hearing had been published in
accordance with this Commission's rules of procedure. The matter
was submitted on August 10, 1966.

Testimony on behalf of applicant was presented by one of
its hydraulic engineers and a commercial analyst in its commercial
department. Protestants' testimony was presented by four property
owners who outlined their potential future need for irrigation
water service from the facilities which applicant proposes to
abandon. A statement was made by counsel for various other land-
owners, indicating that those landowners favored the abandonment
of the facilities.

Water System

Applicant stores and diverts water from the north fork of the Mokelumne River for a series of its hydroelectric plants. After the water reaches the final outlet of the hydroelectric system, it is pumped into applicant's Amador Canal. That canal conveys the water some 24 miles to Tanner Reservoir near Sutter Creek. Just upstream from Tanner Reservoir, a diversion is made from the Amador Canal into the Jackson Canal. The Jackson Canal conveys the water some 2-1/2 miles by means of open ditch sections, random or natural waterways, siphons and pipelines, to the inlet of the Hoffman Siphon.

Applicant proposes to abandon the facilities beyond the inlet to the Hoffman Siphon, starting at Station 122 + 62. Those facilities include the 700-foot Hoffman Siphon, 1,296 feet of open ditch to the head of the Jackson Creek Siphon, the 2,456-foot Jackson Creek Siphon, and additional lengths of open ditch to the end of the irrigation system near Jackson.

Reasons for Abandonment

Applicant's stated reasons for wishing to abandon these facilities are (1) it receives no revenue from the facilities and yet incurs expenses in connection therewith, (2) applicant will have to spend a substantial sum of money in the immediate future to put such facilities in a serviceable condition, and (3) a portion of the facilities is located in the midst of a developing residential area and is unsightly and esthetically unpleasing.

The interested parties who supported the application indicated that the ditch, which passes through a portion of their properties, creates a cloud upon title to the property. They further stated that the presence of seepage water from the canal

created a problem and that the water which sometimes stands in the canal for long periods of time creates a nuisance in regard to the breeding of mosquitos.

Objections to Abandonment

Although applicant has not sold any water for a number of years from the portions of its irrigation system which it proposes to abandon, three of the property owners who testified in opposition to the abandonment indicated that they had been utilizing waste water dumped into those facilities by applicant, that they had not been paying applicant anything for this water, but that applicant was aware that they were utilizing the waste water. The fourth property owner testified that he formerly had been a customer of the irrigation system and did not wish to be precluded from again receiving service. The protestants indicated that the lack of customers on the portion of applicant's system which it proposes to abandon is due, in large part, to the fact that applicant has for many years discouraged the addition of customers to that portion of its irrigation system.

Near the conclusion of the hearing, protestants indicated that they would be agreeable to discussing with applicant some arrangement whereby they might receive water service at some point on the irrigation system mutually agreeable to the parties. A late-filed exhibit was reserved for the receipt of evidence as to some agreement on this point. That exhibit was filed on January 19, 1967.

Late-filed Exhibit No. 8 indicates that the parties have agreed that the four protestants may receive water delivery at Station 175 + 00 and that applicant could then abandon the facilities downstream from that point.

Findings and Conclusion

The Commission finds that:

1. Public convenience and necessity no longer require the operation and maintenance by applicant of the portion of its Jackson Canal and Moore Canal downstream from Station 175 + 00.

2. Revision of applicant's tariff service area maps is required to reflect the abandonment authorized herein.

The Commission concludes that the application should be granted only in part, as set forth in the order which follows.

O R D E R

IT IS ORDERED that:

1. At any time within six months after the effective date of this order, applicant Pacific Gas and Electric Company is authorized to abandon the portion of its Jackson Canal and Moore Canal irrigation water system between Station 175 + 00 and the end of that system at Station 253 + 25, but shall operate and maintain those canals and offer irrigation service therefrom as far downstream as Station 175 + 00.

2. Prior to the abandonment of facilities as authorized in the foregoing paragraph 1, applicant shall file revised tariff sheets, including tariff service area maps, to reflect the continuance of service at points of delivery as far downstream as Station 175 + 00 and the discontinuance of service below that point.

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Such filing shall comply with General Order No. 96-A. The effective date of the revised sheets shall be four days after the date of filing.

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

Dated at San Francisco, California, this 7th day of MARCH, 1967.

Robert E. Hatchell
President

Augusta

William A. Bennett

Fred P. Morrissey
Commissioners

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