

ORIGINALDecision No. 73571

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT L. and FLORENCE O. HARTFORD,)
Complainant,

vs.

CAMP MEEKER WATER COMPANY,
Defendant.Case No. 8659
(Filed July 31, 1967)Robert L. Hartford and Florence O. Hartford, in
propriae personae.Robert R. Carney, for Camp Meeker Water System,
Inc.Ben W. Stradley, for the Commission staff.O P I N I O N

By their complaint filed July 31, 1967, Robert L. Hartford and Florence O. Hartford allege that they are the owners of property located at Camp Meeker, California; that defendant, Camp Meeker Water System, Inc. operates a water system within the area; that a demand for service was made by complainants upon defendant water company and service was refused. They request an order of the Commission requiring defendant to provide water service to their property.

On September 11, 1967, Camp Meeker Water System, Inc., filed an answer to the complaint together with a motion to dismiss. Defendant admits that it operates a water system within the Camp Meeker area; that complainants are owners of property in Camp Meeker; that a demand for water service was made by complainants and that the demand for water service was denied by defendant.

Defendant further alleges that complainants' property is not within defendant's service area.

A public hearing was held before Examiner Daly on December 4, 1967, at San Francisco, at which time and place the matter was submitted.

The record indicates that in July of 1964, complainants owned two pieces of property in Camp Meeker; one was improved property located at 160 McCollister Street and the other was unimproved. At or about this time, complainants were interested in selling their improved property to a Mr. William Bronson and in building upon the unimproved parcel of land which is the subject of this complaint. Because of a previous water shortage in Camp Meeker, complainants wished to be assured of water service at the unimproved land before selling to Mr. Bronson. As a result, Mr. Bronson received a written statement from Mr. William Chenoweth, an officer of defendant water company, that water service would be provided. In addition, Mr. William Chenoweth wrote a letter dated July 1, 1964 (Exhibit No. 5) wherein the complainants were assured of water service upon two days' notice. Complainants sold the improved property to Mr. Bronson and by letter dated March 9, 1966, made a request of defendant for service to the unimproved parcel. Defendant refused service when upon investigation it was determined that complainants' property was beyond defendant's service area (Exhibit No. 2). According to the record Mr. William Chenoweth, a corporate officer of defendant, mistakenly assumed that the property was within the service area because it is located near a feeder line and booster pump leading to the service tanks of defendant. The line, however, contains untreated water and the

closest distribution line of treated water is located approximately 1300 feet from complainants' property.

Although the Commission, by Decisions Nos. 60283, 62831 and 65119 in Case No. 6390, has restricted defendant with respect to the extension of its service, defendant's vice-president, Mr. Leslie Chenoweth, testified that defendant would be willing to extend service to complainants' property if such extension is approved by the Commission and complainants pay the full cost of the extension. Neither the staff nor defendant was prepared to estimate the cost of extending service the necessary 1300 feet.

After consideration the Commission finds that:

1. Complainants own property in Camp Meeker, California.
2. Defendant operates and maintains a water system in Camp Meeker, California.
3. Complainants made a request for water service upon defendant and said request was refused.
4. The property of complainants for which service was requested is beyond defendant's service area.
5. Defendant is willing to extend service to complainants' property if such extension is approved by this Commission, provided complainants are willing to comply with defendant's main extension rule and are willing to pay the full cost of extending defendant's distribution line.

Conclusion

It is well-settled that a utility cannot be required to serve beyond the scope of its dedication. Under the circumstances, the Commission cannot order defendant to extend service to complainants' property, which is beyond defendant's service area.

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It is possible that complainants may have recourse through a civil proceeding for damages. However, it appears to the Commission that with a little effort on both sides the matter could be resolved by the parties themselves. If so, the Commission would be willing to view with favor a request by defendant to extend service to complainants.

O R D E R

IT IS ORDERED that the complaint as set forth in Case No. 8659 is hereby dismissed.

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

Dated at San Francisco, California, this 3rd day of JANUARY, 1968.

Edmund E. Mitchell
President

William C. Bernard

Augusta

William J. Francis

Paul P. Monsey
Commissioners