

ORIGINAL

Decision No. 74434

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of TAHOE BASIN UTILITY)
CORP. to operate a common carrier)
Fluid Pipe Line service at Lake)
Tahoe, California; and to establish)
rates and services therefor.)

Application No. 50229
(Filed May 10, 1968)

O P I N I O N

On May 10, 1968, applicant Tahoe Basin Utility Corp. filed the application herein requesting an order to operate a common carrier Fluid Pipe Line service at Lake Tahoe, California; and to establish rates and services therefor.

Exhibit A attached to the application describes a proposed operation which we presume has been adopted by applicant as a description of the operation proposed in the application. The proposal is to collect all sewage produced in the Tahoe Lake Basin through a gravity flow trunk sewer line extending around the meander line of Lake Tahoe. The raw sewage so collected would be pumped to the top of Daggett Pass (the top of Kingsbury Grade). At this point the solids would be coagulated in settling tanks and later sluiced out to drying beds on the sunny side of the mountain outside the lake basin and at an elevation below that of Lake Tahoe. The untreated effluent would then be passed through a penstock terminating in a turbo-electric generator near Wally's Hot Springs. After passing through the turbines of the generating plant the effluent would be seriated, chlorinated and discharged into the lower regions of the Carson River. The entire trunk collection system, all pumping operations, power generation, solid treatment and effluent treatment would be handled by applicant. The power generated would be used for applicant's pumping requirements.

We find that the sewage to be transmitted through the sewer line, although proposed to be collected from the public for compensation, would be the property of the applicant at the time of its transmission and would not thereafter be distributed to the public for compensation. We conclude therefore that in the proposed operation of its sewage disposal system applicant would not be operating as a public utility pipe line corporation. No section of the Public Utilities Code gives this Commission jurisdiction over applicant as a sewage disposal utility, although the Legislature has had before it proposals to confer such jurisdiction upon the Commission.^{1/} We further conclude that the application should be dismissed for lack of jurisdiction.

^{1/} AB 1214 (Dent) and AB 1235 (Murphy) were introduced during the 1968 Session of the Legislature but have not been enacted. Section 16461 of the Public Utilities Code authorizes public utility districts to acquire, construct, own, operate, control, or use means for the disposition of garbage, sewage, or refuse matter.

O R D E R

IT IS ORDERED that the application is dismissed for lack of jurisdiction.

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

Dated at San Francisco, California, this 23rd day of JULY, 1968.

William Synnott
President
John A. Gato
William W. Gato
Fred R. Morrissey
Commissioners

Commissioner A. W. Gato, being necessarily absent, did not participate in the disposition of this proceeding.