

ORIGINAL

Decision No. 76319

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Pomona Valley Water Company, a)
California Corporation, for a)
Certificate of Public Convenience)
and Necessity to serve a certain)
additional area.)

Application No. 51120
(Filed May 29, 1969)

OPINION AND ORDER

By this application, Pomona Valley Water Company seeks a certificate of public convenience and necessity to serve the area delineated by the red line on the map, Exhibit D, attached to the application.^{1/} The location is immediately contiguous to applicant's existing service area, bounded by Schaefer Avenue on the north, Ramona Avenue on the east, Eucalyptus Avenue on the south and Roswell Avenue on the west. The area comprises approximately 325 acres, the majority of which is owned by Rex Ellsworth and two lots in section 15 are owned by Austin Securities, the latter of which, the applicant alleges, has requested service. An order fixing the rate schedules applicable to the area and as set forth in Tables 10-A, B and C of applicant's present rates, and as Exhibit C attached to the application, is also requested.

^{1/} Because of a City of Chino protest to an advice filing to extend its service area, said filing was withdrawn resulting in the instant application.

A Commission staff accountant and a Commission staff engineer have investigated the application and have submitted a report on the results of their investigation, dated September 12, 1969. A copy of the report was mailed to the applicant, the County of San Bernardino and the City of Chino, the latter of which, the report states, planned to object to the application. Said report is received as Exhibit No. 1.

In Exhibit No. 1, the staff recommended that the application be dismissed without prejudice based on its conclusions that the applicant has no detailed plans for the facilities to be installed; has shown no plans for financing the facilities to be installed; and has shown no public convenience and necessity to serve the proposed area. The latter conclusion was based on a statement that neither Ellsworth Properties nor Austin Securities has requested water service from the applicant for the proposed area.

A letter directed to applicant dated August 7, 1969, to be answered before August 18, 1969, requesting basic information regarding the application, has not been answered. Finally, a sworn statement, dated September 23, 1969, filed that date, and received herein as Exhibit No. 2, shows that applicant's manager advised the staff engineer that the staff report, Exhibit 1, had been received at the company office. Said Exhibit further shows that the staff engineer advised the applicant's manager to contact Examiner Warner, the assigned examiner, promptly if a hearing were desired or if there were any material changes from the information contained in the report.

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No response to any of the above noted Commission queries to the applicant having been received, the Commission finds that the application is not supported and public hearing is not necessary.

It is concluded that the application should be dismissed without prejudice because of lack of prosecution, and the order which follows should so provide, therefore,

IT IS ORDERED that Application No. 51120 of Pomona Valley Water Company is dismissed without prejudice.

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

Dated at Los Angeles, California, this 21st
day of OCTOBER, 1969.

William J. ...
President
Augusta ...
J. ...
Thomas ...
Samuel L. ...
Commissioners