

ORIGINAL

Decision No. 82797

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the status, rates, rules, regulations, operations, service, facilities, equipment, contracts and practices of ELBERT A. LAND and MINNIE TEELMA LAND, individuals, doing business as Land Water Company.

Case No. 9173

SUPPLEMENTAL OPINION

On May 15, 1973 the Commission entered Decision No. 81372 in this proceeding. Thereafter, on May 25, 1973, interested party John A. Gromala filed a petition for reconsideration. On September 25, 1973 the Commission, in Decision No. 81895, amended Decision No. 81372 and granted a limited rehearing in the matter. The proceeding was restored to the Commission's active calendar to be set for rehearing.

On February 1, 1974 the Commission received a communication from Mr. Gromala which indicates that he and various other customers have agreed with respondent Land Water Company to pay for the construction of a fire hydrant which will be donated to the company and the company will provide water to the hydrant at no service charge. Mr. Gromala indicates that if the agreement is approved by the Commission, he will withdraw his petition for reconsideration. In addition, on March 21, 1974 the Commission received a communication from respondent Elbert A. Land which indicates that the company has complied with the orders of the Commission required in Decision No. 81372 and seeks modification of that decision to eliminate the prohibition against connecting any more customers to the system.

Since Mr. Gromala is the moving party in connection with the rehearing, his request should be granted in the circumstances herein presented if the agreement between the parties is in the public interest. The Commission has considered the agreement and is of the

opinion that it should be authorized. Furthermore, if the respondents have complied with the provisions of Decision No. 81372 the restriction against further connections should be lifted. The Commission staff has prepared a report relating to the compliance with Decision No. 81372. The report has been designated as Item A, herein. It indicates that the respondents have complied with the remedial provisions of the order. Therefore, elimination of the restriction against additional connections is warranted.

The Commission makes the following findings and conclusions.

Findings of Fact

1. Elbert A. Land and Minnie Thelma Land, doing business as Land Water Company, have entered into an agreement with various customers of the water company who are homeowners on Pine Crest Drive which provides as follows: (1) The homeowners will pay the sum of \$950 for the construction and installation of a fire hydrant on Pine Crest Drive which will be connected to the water system.

(2) The hydrant will be donated to the water company. (3) The water company will provide service to said hydrant at no charge now or at any time in the future.

2. The agreement between the homeowners and the water company is not adverse to the public interest.

3. John Gromala, the petitioner for reconsideration herein has indicated that if the aforesaid agreement is authorized by the Commission he withdraws his request for reconsideration.

4. Respondents have installed a 63,000 gallon water storage tank as part of their system.

5. Respondents have provided individual service pipe connections to each of their customers.

6. Respondents have installed controls in their storage tank which provide adequate pressure to all customers.

Conclusions of Law

1. The homeowners and the water company should be authorized to carry out their agreement.

2. Decision No. 81372 should be modified and affirmed and Decision No. 81895 should be vacated.

SUPPLEMENTAL ORDER

IT IS ORDERED that:

1. Elbert A. Land and Minnie Thelma Land, doing business as Land Water Company, and the customers residing on Pine Crest Drive are authorized to enter into and carry out the agreement more particularly set forth in Finding No. 1 of this Supplemental Order.

2. Finding No. 1 of Decision No. 81372 is amended to read as follows: "Elbert A. Land and Minnie Thelma Land do not have sufficient cash on hand to comply with the Commission's prior orders."

3. Decision No. 81895 is hereby vacated.

4. Ordering Paragraphs 1, 2, and 6 of Decision No. 81372 are hereby deleted from that order.

5. As modified and amended herein, Decision No. 81372 is affirmed.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30th day of APRIL, 1974.

William Sturgeon President
[Signature]
[Signature] Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.