

Decision No. 85692

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
METROPOLITAN WATER COMPANY for an
order granting a Certificate of
Public Convenience and Necessity for
authority to construct a system to
render water service and exercise its
rights and privileges conveyed under
the franchise granted by Ordinance
No. 1371 of the County of Ventura,
to establish water rates for water
service and to issue securities and
evidences of indebtedness to finance
such construction and operation.

Application No. 45981
(Filed November 20, 1963;
amended June 18, 1964)

ORDER MODIFYING DECISION NO. 67845

Metropolitan Water Company (applicant) seeks an ex parte modification of an order which restricts its service area in Ventura County.

The restriction is contained in Ordering Paragraph 1 of Decision No. 67845 dated September 15, 1964 in Application No. 45981, which reads as follows:

- "1. Metropolitan Water Company, a corporation, is granted a certificate of public convenience and necessity to extend, construct and operate a public utility water system in that portion of Ventura County, State of California, known as Oak Park, comprising 2,850 acres, more or less, which area is depicted on Exhibit "D" on the application. This authority is subject to the restriction that applicant shall establish its initial service in Tract 1693, comprising 246 acres as proposed in the application herein. Applicant shall not extend service to any area other than said Tract 1693 without further authority from this Commission."

This restriction effectively reduces the 2,850 acre certificated service area to 246 acres. At the time of certification in 1964, the applicant had no prior public utility water service experience and therefore, such a restriction was reasonable.

The applicant now alleges that developers of Tracts 2444 and 2445, which are in the restricted area, are unable to obtain water service as a result of the restriction order. No other purveyor may serve their subdivisions as both are within applicant's certificated area.

Applicant's operations were investigated by the Commission staff in the course of processing Application No. 55881, filed August 20, 1975. This application sought a rate increase which was substantially granted after public hearing, by Decision No. 85460, dated February 18, 1976. The question of ability to serve was not at issue in this proceeding. Service is considered to be satisfactory.

The water supply is water purchased from Calleguas Municipal Water District whose capacity is adequate for all growth expected in this area. There is no question of financial ability of the applicant. The water system exceeds the requirements of General Order No. 103.

The Petition for Modification was sent to all interested parties in accordance with Rule No. 43 of the Commission's Rules of Practice and Procedure. No protests have been received by the Commission.

Findings

1. The applicant has the financial ability, resources, and capacity to provide service to its entire certificated area.
2. The restriction imposed by Ordering Paragraph 1 in Decision No. 67845, dated September 15, 1964 is no longer necessary.
3. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

Ordering Paragraph 1 in Decision No. 67845, dated September 15, 1964 is modified to read as follows:

1. Metropolitan Water Company, a corporation, is granted a certificate of public convenience and necessity to extend, construct, and operate a public utility water system in that portion of Ventura County, State of California, known as Oak Park, comprising 2,850 acres, more or less, which area is depicted on Exhibit "D" on the application.

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

Dated at San Francisco, California, this 13th day of APRIL, 1976.

William J. Sykes President
Vernon L. Sturgeon
Edon
Robert Bateman Commissioners

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