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Decision No. 86115

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, practices, service, equipment, facilities, rules regulations and contracts relating to WATER CONSERVATION in existing and new residential, commercial, industrial, public authority, and agricultural classes of service.

Case No. 10114

ORDER GRANTING HEARING AND DENYING REHEARING

By Decision No. 85940, an investigation was instituted on the Commission's own motion to determine whether public utility water companies in the State of California should be required to provide and distribute to their customers certain types of water saving devices.

After noting the necessity of eliminating the waste and the unreasonable use of our valuable water resources, we ordered all respondent public utility water companies to either distribute, within sixty days of the effective date of Decision No. 85940, the water conservation kits described therein "or, in the alternative... notify the Commission within 30 days of the effective date of this order of the utility's equally cost-effective water conservation program, its inability to institute such measures, or its desire to be heard on the matter." It was also ordered that "... such notification will serve to exempt the utility from immediate compliance with this order, pending hearing on the matter".

On June 18, 1976, California Water Association and respondents Azusa Valley Water Company, California Cities Water Company, County Water Company, Del Este Water Company, Dominguez Water Corporation, Kavanagh Vista Water Company, Park Water Company,

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Peerless Water Company, Pomona Valley Water Company, Rossmoor Water Company, San Gabriel Valley Water Company, Southern California Water Company, Southwest Water Company, Suburban Water Systems and Water West Corporation (CWA, et al.) filed a timely petition for "rehearing of Decision No. 85940 and for a hearing". In accordance with Section 1733 of the Public Utilities Code, the filing of this petition suspended the effectiveness of the order in Decision No. 85940.

On June 25, 1976, a "petition for rehearing of Decision No. 85940 and for a hearing" was also filed by Citizens Utilities Company of California, Francis Land and Water Company, Jackson Water Works, Inc., North Los Altos Water Company, Inverness Water Company, Larkfield Water Company and Washington Water & Light Company (Citizens).

In their petition, CWA, et al. primarily allege that they should be allowed to present evidence not only on their own behalf but also on behalf "those respondents who do not come forward, in order to ensure that the Commission's order will not impose a heavy economic burden upon those utilities least able to bear it." Similarly, Citizens submits that the effectiveness of the decision should be stayed as to all respondents and a hearing granted so that "Petitioners ... and/or others can come forward with suitable and more economic proposals" for achieving water conservation.

In Decision No. 85940, we specifically provided that upon notification to the Commission, each respondent water utility could voice its desire to be heard on the matter and thereby be exempted from compliance, pending hearing. Accordingly, we reject the notion that notice and an opportunity to be heard have been denied by the issuance of Decision No. 85940. However, we have reconsidered the procedure contemplated in Decision No. 85940,

and now determine that this decision, insofar as it orders respondents to take any action; should be suspended, and that a hearing should be held open to all respondents in pursuance of our investigation.


IT IS THEREFORE ORDERED that:

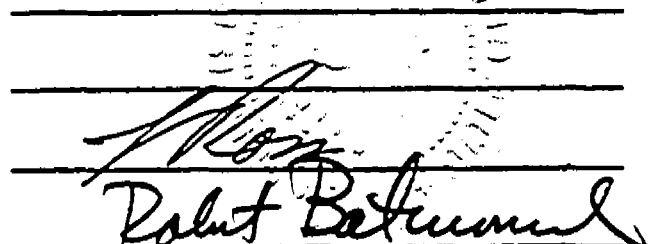
1. Rehearing of Decision No. 85940 is hereby denied.
2. Ordering Paragraphs 1, 2, 3, 4, and 5 of Decision No. 85940 are hereby suspended until further order of the Commission.
3. Hearing in the above-entitled matter is hereby granted to all respondents to be heard by Commissioner Batinovich and/or Examiner Boneysteele at such time and place as may be hereafter designated.

The Executive Director is directed to cause appropriate notice of such hearing to be made at least ten (10) days before such hearing.

The effective date of this order is the date hereof.

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


President


Commissioners

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

I concur.
I would have granted
hearing in the first
place.
William L. Sturgeon Jr.
Commissioner