

[JUL 25 1988

Decision 88 07 063 JUL 22 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Suspension and )  
Investigation on the Commission's own )  
motion of tariff filed by Advice )  
Letter No. 779 of Southern California )  
Water Company, Big Bear District, in )  
San Bernardino County. )

(I&S)  
Case 88-03-042  
(Filed March 23, 1988)

O'Melveny & Myers, by Thomas N. Harding,  
Attorney at Law, for Southern California  
Water Company, applicant.  
Best, Best & Krieber, by Richard T. Anderson,  
Attorney at Law, for Big Bear City  
Community Services District, protestant.

INTERIM OPINION

Summary of Decision

We extend the suspension of the process and effectiveness of tariffs filed by Southern California Water Company (SCWC) under Advice Letter 779 (AL-779) until further Commission order.

Background

On February 16, 1988, SCWC filed tariff sheets, under AL-779, for extension of service area to serve a 98-acre parcel of property. The proposed development is intended to serve approximately 180 single-family residences. The proposed extension is contiguous to SCWC's presently effective Big Bear District service area filed with the Commission.

On March 7, 1988, a protest was received from the Big Bear City Community Services District (District) alleging among other things that: (1) SCWC intends to service this proposed development from a severely overdrafted basin in the area where its Erwin Lake well field is located and as a result of the overdrafted condition of this basin, SCWC is unable to adequately serve this Development, (2) The District has an adequate water system to

adequately serve this Development from its Greenspot Reservoir, (3) SCWC's continuing to provide unlimited service from overdrafted sources impairs the District's water conservation efforts.

The Water Utilities Branch (Branch) of the Commission Advisory and Compliance Division recommended that AL-779 be suspended under Public Utilities Code § 455 until July 25, 1988 and the matter be set for hearing. Based on the Branch's recommendation, on March 23, 1988, the Commission took the following action:

1. Instituted an investigation to determine whether the tariff sheets filed by SCWC under AL-779 are unreasonable or unlawful in any particular manner, and to issue any order or orders that may be lawful and appropriate in the exercise of the Commission's jurisdiction in the matter.
2. Suspended the process and effectiveness of tariffs filed by SCWC under AL-779 until July 25, 1988 or until further Commission order, whichever occurs sooner.
3. Ordered public hearings in this investigation to be held before an Administrative Law Judge.

#### Public Hearings

Public hearings were held on May 24, 1988 in Los Angeles and on June 13 and 14, 1988 in San Francisco before Administrative Law Judge Garde. Further hearings are scheduled for July 21, 1988.

#### Extension of the Suspension of Tariffs

It should be noted that the suspension of the process and effectiveness of tariffs under AL-779 is effective until July 25, 1988 or further Commission order, whichever occurs first. Due to the extended hearing time required to develop a complete record regarding the alleged overdraft condition in the Erwin Lake basin, a Commission order cannot be issued before July 25, 1988. In order to alleviate this problem, particularly because there are no immediate plans for development of the new 98-acre parcel, the

counsel for SCWC agreed, during the hearings on May 24, 1988, to voluntarily extend the suspension of the process and effectiveness of tariffs filed under AL-779 until the Commission has reached a final adjudication on this matter.

Discussion

We appreciate SCWC's gesture. As voluntarily agreed to by SCWC we will extend the suspension of the process and effectiveness of tariffs filed under AL-779.

Findings of Fact

1. SCWC filed AL-779 for extension of service area to serve a 98-acre parcel of property.

2. District filed a protest to AL-779 contending, among other things, that it was better qualified to serve the 98-acre parcel.

3. Based on Branch's recommendation the Commission issued an order instituting investigation and suspended the process and effectiveness of tariffs filed under AL-779 until July 25, 1988 or further Commission order, whichever occurs sooner.

4. A Commission order in the proceeding before July 25, 1988 is not possible.

5. SCWC agreed to voluntarily extend the suspension of the tariffs filed under AL-779 until the Commission has reached final adjudication in the matter.

Conclusion of Law

The suspension of process and effectiveness of AL-779 should be in effect until further Commission order.

INTERIM ORDER

IT IS ORDERED that the suspension of process and effectiveness of tariffs filed by Southern California Water Company under Advice Letter 779 will remain in effect until further Commission order.

This order is effective today.

Dated JUL 22 1988, at San Francisco, California.

STANLEY W. HULETT  
President  
DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Victor Weisser, Executive Director