

ALJ/AVG/btr

Decision 89 07 064

JUL 19 1989

**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. 261 of Citizens Utilities )  
Company of California, Sacramento- )  
Lincoln Oaks District, in Sacramento )  
County. )

(I&S)  
Case 89-04-016  
(Filed April 12, 1989)

In the Matter of the Suspension and )  
Investigation on the Commission's own )  
motion of tariff filed by Advice )  
Letter No. 263 of Citizens Utilities )  
Company of California, Sacramento- )  
Lincoln Oaks District, in Sacramento )  
County. )

(I&S)  
Case 89-04-017  
(Filed April 12, 1989)

INTERIM OPINION

Summary Decision

We lift the suspension of tariffs filed for two of the three parcels included in Advice Letter No. 263 (AL 263) of Citizens Utilities Company of California (Citizens). We take this action because the protestant, Northridge Water District (Northridge), has withdrawn its objection to Citizens' request to serve the two parcels.

Background

Citizens filed tariffs for extension of its service area under AL 261 and AL 263 on March 7, 1989 and March 15, 1989 respectively. The proposed extensions are contiguous to Citizens' presently effective Sacramento-Lincoln Oaks District service area.

In tariff sheets filed under AL 263, Citizens requests an extension of its service area to cover:

1. Two areas, Parcels #1 and #2, that are currently being served by Citizens and were inadvertently omitted in a previously filed service area map, and

2. A third additional area, Parcel #3, to serve the development of residential property.

Northridge protested both advice letters alleging that its own service would better serve the public convenience and necessity. Northridge cited various reasons in support of its allegation.

The Water Utilities Branch of the Commission Advisory and Compliance Division reviewed Northridge's protest and recommended that the advice letters be suspended and the matters set for public hearing. On April 12, 1989, the Commission issued Orders of Investigation and Suspension, Cases (C.) 89-04-016 and 89-04-017, which suspended the advice letters until August 22, 1989 or until further Commission order, whichever occurs first.

C.89-04-016 and C.89-04-017 were consolidated at the prehearing conference held on May 31, 1989 before Administrative Law Judge Garde.

On June 27, 1989, Northridge withdrew its protest to Citizens' proposed service to parcels #1 and #2 identified in AL 263. Northridge continues to protest Citizens' proposed service to Parcel #3 included in AL 263 and to the extension of service area requested in AL 261.

Since Northridge has withdrawn its protest to Citizens' request to serve Parcels #1 and #2 included in AL 263, Citizens requests that the Commission lift its suspension and allow it to serve the parcels. According to Citizens, an early action by the Commission will allow it to serve the developers during the peak construction season.

#### Discussion

We believe that since Northridge has withdrawn its protest, ratepayers' interest would not be served by denying Citizens authority to serve Parcels #1 and #2. This would be particularly true in this case because Citizens is already serving

the parcels and is in fact seeking a correction to its previously filed service area map in which these two parcels had been omitted. Therefore, we will authorize Citizens to serve the parcels and lift the suspension of the portion of tariffs filed under AL 263 pertaining to Parcels #1 and #2.

While we lift the suspension of the portion of tariffs pertaining to the parcels, we note that the suspension of the remaining tariffs is effective only until August 22, 1989. We believe that the August 22nd deadline does not allow us sufficient time to hold evidentiary hearings and issue a final order in this proceeding. Therefore, we will extend the suspension of the remaining tariffs until further Commission order.

Findings of Fact

1. Citizens filed AL 261 and 263 requesting authority to include certain contiguous areas within its Sacramento-Lincoln Oaks tariff service area.
2. Northridge protested the extension of service on grounds that it was better able to serve the areas.
3. Citizens is currently serving Parcels #1 and #2 identified in AL 263.
4. Parcels #1 and #2 were inadvertently omitted from Citizens previously filed service area map.
5. Northridge has withdrawn its protest to Citizens' proposed extension of service area to include Parcels #1 and #2.
6. Northridge continues to object to Citizens' proposed service to Parcel #3 included in AL 263 and to the extension of service area requested in AL 261.
7. Ratepayer interest would not be served by denying Citizens the authority to serve Parcels #1 and #2.
8. Portions of tariff sheets of AL 263 pertaining to Parcels #1 and #2 are just and reasonable.

9. The suspension of the tariffs needs to be extended to allow sufficient time to hold evidentiary hearings and to issue a final order.

Conclusions of Law

1. Public convenience and necessity require that Citizens extends its service area to include Parcels #1 and #2 identified in AL 263.

2. Suspension of the portion of tariffs filed under AL 263 pertaining to Parcels #1 and #2 should be lifted and the tariffs should be made effective.

3. As this extension of service territory is immediately needed to facilitate the construction, this order should be effective immediately.

4. The suspension of remaining tariffs should be extended until further Commission order.

INTERIM ORDER

IT IS ORDERED that:

1. Citizens Utilities Company of California's Advice Letter No. 263 tariff sheets pertaining to Parcel #1 and Parcel #2 are effective immediately.

2. Suspension of the remaining tariffs ordered in these proceedings shall be effective until further Commission order.

This order is effective today.

Dated JUL 19 1989, at San Francisco, California.

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

Commissioner Patrick M. Eckert,  
being necessarily absent, did  
not participate.

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

*Victor Weissert*  
Victor Weissert, Executive Director

*pb*