

Decision 89 12 050 DEC 18 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)

And Related Matters. )

(I&S)  
Case 89-07-005  
(Filed July 6, 1989)

(I&S)  
Case 89-08-028  
(Filed August 23, 1989)

(I&S)  
Case 89-09-003  
(Filed September 7, 1989)

OPINION

Background

Citizens Utilities Company of California (Citizens) filed tariffs for extensions of its water service area under Advice

Letters (AL) 261 on March 7, 1989; 263 on March 15, 1989,<sup>1</sup> 264, 265, and 266 on June 7, 1989; 267 on July 21, 1989; and 268 on August 8, 1989. The proposed extensions are contiguous to Citizens' presently effective Sacramento-Lincoln Oaks District water service area.

Northridge Water District (Northridge) protested all of these ALs claiming that its service would better serve the public convenience and necessity and listed the reasons in support of this claim.

The Water Utilities Branch of the Commission Advisory and Compliance Division reviewed Northridge's protests and recommended that the ALs be suspended and the matters be set for hearing. The Commission then issued Orders of Investigation and Suspension, Case (C.) 89-04-016 on April 12, 1989 for AL 261, C.89-04-017 on April 12, 1989 for AL 263, C.89-07-005 on July 6, 1989 for ALs 264 through 266, C.89-08-028 on August 23, 1989 for AL 267, and C.89-09-003 on September 7, 1989 for AL 268, which suspended the ALs until further Commission order.

On October 23, 1989, Citizens and Northridge jointly filed a stipulation stating that they had arrived at a settlement termed the Water Service Area Settlement Agreement. The agreement was designed to settle all of the issues in these consolidated proceedings. Northridge has withdrawn its protests to ALs 261, 263, 264, 265, 267, and 268. Citizens has withdrawn AL 266 and filed AL 269 which excludes those portions of Citizens' service area which are identified as part of Northridge's service area. In addition, as part of the Settlement Agreement, Citizens agreed to withdraw portions of their current service area as shown on

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1 Interim Decision 89-07-046, dated July 19, 1989 lifted the suspension of Parcels #1 and #2 and continued the suspension of Parcel #3.

Exhibit A. Northridge has stated that they are ready, willing and able and have agreed to serve these areas. Citizens filed AL 269 on October 27, 1989 for withdrawal of the respective service areas. There are currently no service connections to customers within these designated areas.

C.89-04-016 and C.89-04-017 were consolidated on May 31, 1989. As the primary issue in all of these proceedings is the same, C.89-07-005, C.89-08-028, and C.89-09-003 are also consolidated for decision with C.89-04-016 and C.89-04-017.

#### Discussion

Citizens and Northridge have coexisted contentiously in the Sacramento-Lincoln Oaks area. The current round of AL filings, protests, and investigations has been but the latest of a series of contested service area expansions. The settlement entered into by the two parties is a reasonable compromise and will provide a more logical framework for future water service expansion in this area.

All of the issues in these proceedings have been settled in a reasonable manner by the agreement between the parties.

The parties have indicated that prompt consideration of this matter is needed to provide water service to properties in this area.

#### Findings of Fact

1. Citizens filed a series of advice letters requesting authority to add certain contiguous areas to its Sacramento-Lincoln Oaks water service area.

2. Northridge protested all the proposed extensions of service on grounds that it was better able to serve the areas.

3. Citizens and Northridge have entered into an agreement which settles all issues in these proceedings.

4. Citizens has agreed to withdraw AL 266.

5. Citizens has filed AL 269 for withdrawal of service to areas shown on Exhibit A. There are no customers effected by

withdrawal of the service area. Northridge is ready, willing, able, and agrees to serve the areas.

6. Northridge has agreed to withdraw its protests to ALs 261, 263, 264, 265, 267, and 268.

7. Urgent consideration of this matter is needed to provide water service in the Lincoln Oaks area.

Conclusions of Law

1. The agreement is a reasonable settlement of all issues in these proceedings.

2. The Orders of Investigation and Suspension should be discontinued and the proposed tariffs under ALs 261, 263, 264, 265, 267, and 268 should become effective immediately while the proposed tariffs under AL 266 are withdrawn.

ORDER

IT IS ORDERED that:

1. The tariff sheets filed by Citizens Utilities Company of California under Advice Letters 261, 263, 264, 265, 267, and 268 are effective immediately.

2. Advice Letter 266 of Citizens Utilities Company of California is withdrawn.

3. C.89-04-016, C.89-04-017, C.89-07-005, C.89-08-028, and C.89-09-003 are discontinued.

This order is effective today.

Dated DEC 18 1989, at San Francisco, California.

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

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

*Wesley Franklin*

WESLEY FRANKLIN, Acting Executive Director

*PB*