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Decision No. 89628 NOV 9 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RISING SUN MINE PROPERTY OWNERS
ASSOCIATION, INC.,

Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant.

Case No. 10640
(Filed July 28, 1978)

ORDER DENYING INTERVENTION

On September 11, 1978 Wayne J. Summers (Summers) filed a petition to intervene and become a party to Case No. 10640.

Summers is an individual whose property is outside the designated service area of defendant, but is adjacent thereto. According to Summers, he has requested Pacific Gas and Electric Company (PG&E) to supply treated water to him, but PG&E has refused to do so even though he is willing to pay the cost of hookup. Summers supports the relief sought by Rising Sun Mine Property Owners Association, Inc. (Rising Sun).

According to Summers, PG&E has in the past and is presently providing water service to other properties which are not within its designated service area. Such action is arbitrary and discriminatory in that PG&E is voluntarily providing service to other persons outside its designated service area, but refuses to provide treated water service to him, which discriminatory practice is a violation of the California Public Utilities Code.

According to Rising Sun, for the past 15 years, it has operated a water purification system, obtaining water from the Boardman Canal, which is owned by PG&E, and transporting such treated water through its water mains to points where members of its association can make service connections. At present, there are 66 service connections, with the possibility of an additional 30 services being added as remaining parcels are developed within the service area. As each service connection has been made, PG&E has installed a water meter in the service line and, thereafter, has billed each individual water user for the amount of water used.

Rising Sun's water mains and properties of members of its association are outside the designated service area of PG&E, but are adjacent thereto.

PG&E's water lines serving the Colfax area are in close proximity to Rising Sun's water mains and the properties served therefrom. Although Rising Sun has requested PG&E to supply treated water from its Colfax plant to it and its members and has offered to pay the cost of extending such water service, PG&E has refused to do so, except upon condition that Rising Sun pay the sum of \$500,000. PG&E's demand for payment of \$500,000 was for the stated purpose of partially defraying the cost of replacing the intake line to PG&E's Colfax plant, which is more than 50 years old and, for many years, has been in a state of disrepair requiring replacement.

Summers and Rising Sun are in different positions regarding PG&E's refusal to supply treated water. PG&E's alleged supplying of untreated water to Rising Sun and PG&E's collecting of revenues directly for such service from customers place Rising Sun in an entirely different position than Summers who has alleged no service at all from PG&E.

It appears that intervention should not be granted, as Rule 53 of this Commission's Rules of Practice and Procedure prohibits intervention if such intervention would unduly broaden the issues presented by Rising Sun. Such would be the case if Summers was allowed to intervene. Summers may file his own complaint.

Therefore, IT IS ORDERED that the petition of Wayne J. Summers to intervene and become a party to Case No. 10640 is denied.

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

Dated at San Francisco, California, this 9th day of NOVEMBER, 1978.

I abstain
Robert Buterovich

~~*Robert Buterovich*~~
President
William Summers
Vernon L. Livingston
Robert D. Gould
Clair T. DeLoach
Commissioners