

ORIGINAL

Decision No. 90056 MAR 13 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SIERRA PACIFIC LUMBER CO., INC.,)
 Complainant,)
 vs.)
 ANTELOPE VALLEY WATER COMPANY,)
 Defendant.)

Case No. 10681
(Filed October 13, 1978)

Rose Mary E. Harmer, Attorney at
 Law, for complainant.
C. M. Brewer, for defendant.

O P I N I O N

Complainant, Sierra Pacific Lumber Company, Inc., seeks an order requiring defendant, Antelope Valley Water Company, to restore water service to Lot 25, Book 7, Tract 6638, Green Valley, California.

A public hearing was held before Administrative Law Judge N. R. Johnson in Los Angeles on January 8, 1979, and the matter was submitted. Testimony was presented on behalf of complainant by its president and on behalf of defendant by its president and by its superintendent.

Complainant's Position

Testimony presented by complainant indicated that:

1. The property was purchased in August 1978 to be used as a building site for a new home.
2. The realtor who handled the transaction assured complainant that the lot had previously been served with water.

3. Complainant was denied water service from defendant on the basis that there was a moratorium on new water service.

4. The property had been previously furnished water service as evidenced by a receipt by the water utility for water service connection charges paid by the previous owner (Exhibit 2), receipts of past paid bills for the previous owner (Exhibit 3), and a picture of a meter box and service tap located on the property in question (Exhibit 1).

5. Service has been recently established to at least one new house in the vicinity and defendant's failure to furnish water to complainant's property was discriminatory.

Defendant's Position

Testimony presented on behalf of defendant indicated that:

1. Advice Letter No. 25 filed in September 1977 indicated that its Green Valley District has a total capacity of only 77 gallons per minute to serve 272 existing customers.

2. The present water supply is adequate to supply additional customers but the system should not be expanded beyond the point where it cannot serve its customers during a period of drought.

3. During the 1976-1977 drought period it was necessary to restrict the outside use of water.

4. This Commission's Resolution No. W-1435, dated March 13, 1973, imposed a moratorium on new service in defendant's Green Valley District.

5. Since March 13, 1973 no new service connection facilities have been installed. However, as recently as 1978 water was turned on for customers who had service stubs and were paying monthly water bills but not consuming water.

6. On May 15, 1978 defendant adopted a policy that: (1) water service will not be activated to vacant properties; and (2)

water service to developed properties will not be activated following a one-year period of inactivity.

Discussion

It is obvious from the record that a service connection and meter box were installed in 1952 to serve the premises presently owned by complainant, and that water bills were rendered to the previous owner at least during a portion of 1957. It is also clear that water is being provided for new houses in those instances where the property owners were paying water bills but not consuming water. The only difference between these situations and the complainant's is the time lapse between the time of payment of no-consumption bills and the actual receipt of water. Such a distinction is not an adequate basis for defendant to refuse to render service to complainant.

Resolution No. W-1435, specifically provides "a limitation on any new services" and does not relate either to the activation of existing services to vacant premises or to the restoration of service to developed premises after a period of no water service. Under these circumstances, defendant's position that its refusal to serve complainant is in keeping with the spirit of the resolution does not appear to be well founded. The term "water services" normally relate to the pipes from the water mains to the customer's premises rather than the provision of water to a customer. It is axiomatic that the preclusion of new services will limit the increase of demands on the water system to the providing of water to only those premises provided with service stubs where water is presently not being provided and for the possible increased usage of existing customers, neither of which would normally place a substantial additional burden on the serving utility. It was the intent of Resolution

No. W-1435 to limit increased demand on defendant's system to a nominal amount rather than to preclude any increase to system demand.

Findings

1. Complainant purchased Lot 25, Book 7, Tract 6638, Green Valley, in August 1978 with the understanding that water service had previously been furnished the previous owner.

2. A service connection and meter box was installed on the premises in 1952 and water service was rendered the previous owner at least during a portion of 1957.

3. Resolution No. W-1435 dated March 13, 1973 evoked a ^{JAPOLAD} ~~WAP~~ limitation on any new service in defendant's Green Valley District.

4. Resolution No. W-1435 is intended to place a limitation on new service connections rather than preclude providing water for those present and past customers whose premises presently have service connections and meter boxes.

5. Defendant should provide water service to complainant.

Conclusion

The Commission concludes the relief requested should be granted.

O R D E R

IT IS ORDERED that defendant, Antelope Valley Water Company, Inc., provide water service to complainant, Sierra Pacific Lumber Company, Inc., in accordance with defendant's tariffs.

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

Dated at San Francisco, California, this 13th day of MARCH, 1979.

John E. Burns
President
Vernon L. Livingston
Charles D. Hoyle
Wain L. D. Smith
Edward W. Quinn
Commissioners