

Decision No. 91075 NOV 30 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CONSOLIDATED FIRE PROTECTION)
DISTRICT OF LOS ANGELES COUNTY,)
a political subdivision of the)
State of California,)

Complainant,)

vs.)

SAN GABRIEL VALLEY WATER COMPANY,)
a California corporation, and)
DOES I through V, inclusive,)

Defendants.)

Case No. 10696
(Filed December 5, 1978)

CITY OF EL MONTE, CALIFORNIA, a)
municipal corporation,)

Complainant,)

vs.)

SAN GABRIEL VALLEY WATER COMPANY,)
a California corporation, and)
DOES I through V,)

Defendants.)

Case No. 10710
(Filed January 17, 1979)

ORDER MODIFYING DECISION NO. 90784

Ordering Paragraph 1 of D.90784, dated September 12, 1979,
stated:

- "1. San Gabriel Valley Water Company (San Gabriel) shall forthwith commence negotiations with Consolidated Fire Protection District of Los Angeles County (Los Angeles) and the city of El Monte (El Monte) to effect a no-rent agreement similar to the model agreement developed by the Fire Protection Standards and Services Committee of

the California Section of the American Water Works Association. The resultant agreement shall be filed as a standard optional tariff schedule by an advice letter filing within sixty days of the effective date of this order."

Ordering Paragraph 4 stated:

"4. The fire hydrant service charges shall cease on the date that Los Angeles and El Monte receive service in accordance with the no-rent fire hydrant agreement to be filed in accordance with Ordering Paragraph 1 above or sixty days after the effective date of this order, whichever occurs first."

Sixty days after the effective date of the order is December 11, 1979.

Following the issuance of the decision and order, but before the time for compliance with the portion directing San Gabriel Valley Water Company (San Gabriel) to enter into no-rent agreements with complainants, the 1979 Legislature enacted Assembly Bill No. 1653 (Stats. 1979, Ch. 862, referred to herein as the '1979 Act') effective January 1, 1980. Among other things, the 1979 Act prohibits a public utility water corporation from charging a public fire hydrant agency for water for fire protection purposes or charging for public fire hydrant service or facilities in the absence of a written agreement with the agency providing for such charges. Consequently, by reason of the enactment of the 1979 Act, San Gabriel, on and after January 1, 1980, may no longer be able to require complainants to assume the maintenance obligations contemplated by General Order No. 103 and by D.90784 as a condition of being relieved of hydrant service charges. Consequently, complainants no longer desire the no-rent agreement ordered by D.90784 and, instead, propose to continue to receive public fire hydrant service under San Gabriel's applicable public fire hydrant service tariffs to and including December 31, 1979, and to pay the applicable tariff charges for such service (including any amounts due for service previously received and not paid for).

On and after January 1, 1980 any public fire hydrant service which San Gabriel may supply to complainants may be without charge and without obligation upon complainants to maintain the hydrants except pursuant to written agreements between them and San Gabriel as permitted by the 1979 Act.

On November 13, 1979 San Gabriel, the city of El Monte (El Monte), and Consolidated Fire Protection District of Los Angeles County (Los Angeles) filed a joint petition requesting a modification to D.90784 reflecting these changed conditions.

In mimeo. Decision No. 91024, issued November 20, 1979, in Application No. 58203 of Southern California Water Company this Commission considered the recently enacted Assembly Bill No. 1653 and made the following finding at mimeo. page 13:

"8. It is not necessary to determine now whether applicant's consumers should compensate it for lost hydrant revenues after January 1, 1980."

The same finding made applicable to San Gabriel's consumers will be included in this order.

Consequently, although San Gabriel may file an advice letter requesting a rate increase to offset losses in fire hydrant revenues which may result from the amendment of Section 549 of the Civil Code and the enactment of Section 2713 of the Public Utilities Code effective January 1, 1980, the Commission is making no determination as to what disposition will be made with respect to such advice letter filing.

Findings

1. The enactment of Assembly Bill No. 1653, effective January 1, 1980, may have invalidated Ordering Paragraphs 1 and 4 quoted above.

2. The parties to this proceeding are in agreement that El Monte and Los Angeles should receive public fire hydrant service under San Gabriel's applicable public fire hydrant service tariffs through December 31, 1979.

3. Ordering Paragraph 3 of D.90784 should be modified to reflect Finding 2.

4. It is not necessary to determine now whether San Gabriel's consumers should compensate it for lost hydrant revenues after January 1, 1980.

5. San Gabriel may file an advice letter requesting a rate increase to offset losses in fire hydrant revenues resulting from the amendment of Section 549 of the Civil Code and the enactment of Section 2713 of the Public Utilities Code effective January 1, 1980. The staff shall analyze the proposed rate increase and make appropriate recommendations to the Commission.

6. In order to have the tariffs applicable for the period December 11, 1979 through December 31, 1979 the effective date of the order should be the date hereof.

The Commission concludes the relief requested should be granted as set forth in the ensuing order, and in all other respects the relief should be denied.

IT IS ORDERED that:

1. Ordering Paragraphs 1 and 4 of Decision No. 90784 are deleted in their entirety.

2. Ordering Paragraph 3 is amended to read as follows:

Los Angeles and El Monte shall receive fire hydrant service to and including December 31, 1979, in accordance with the provisions of San Gabriel's tariff Schedules Nos. AA-5 and EMV-5 or such substitute schedule or schedules as may be applicable at the time service is provided.

3. Ordering Paragraph 5 of Decision No. 90784 is amended to read as follows:

San Gabriel may file an advice letter requesting a rate increase to offset losses in fire hydrant revenues which may result from the amendment of Section 549 of the Civil Code and the enactment of Section 2713 of the Public Utilities Code effective January 1, 1980. The staff shall analyze the proposed rate increase and make appropriate recommendations to the Commission.

4. In all other respects Decision No. 90784 is to remain in full force and effect.

The effective date of this order is the date hereof.

Dated NOV 30 1979, at San Francisco, California.

John E. Boyer
President
William L. Strangman
Michael D. ...
Charles F. ...
James W. ...
Commissioners