

ALJ/RAB/sid

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SEP 3 1997

Decision 97-09-028 September 3, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Dr. Yung Hui Hsieh, an individual,

Complainant,

vs.

Yerba Buena Water Company,

Defendant.

Case 97-01-015
(Filed January 14, 1997)

ORIGINAL

OPINION

Dr. Yung Hui Hsieh (complainant) filed this complaint requesting that the Commission direct the Yerba Buena Water Company (Company) to provide water service to complainant as the Company's service area surrounds the real property owned by complainant, consisting of approximately 1.19 acres. A description of the real property is attached as Appendix A. Complainant intends to build a personal residence on the property.

Company filed an answer opposing the relief requested unless complainant paid \$25,000 to cover costs of providing service.

Complainant and Company have reached an agreement pursuant to which Company has agreed to include complainant in its service area and provide water service to his property, subject to Commission approval. Company and complainant request the Commission to modify its Decision (D.) 93-04-028 to authorize Company to add complainant's real property to its service area and to provide water service to such property. Further, Company pointed out that in D.93-04-028, Company was ordered not to expand its service territory without further authorization of the Commission. Service was restricted because at that time the Company's water supply to serve new customers was uncertain. Today, there is adequate water to serve current customers plus complainant.

Company asserts that it can serve complainant's property through its existing main line and will not need to extend its system for this service. Company states that it has adequate water and facilities to serve the property. Company requests, however, that Commission authorization of the expansion of Company's service area to include complainant's real property, not be viewed as a precedent for future expansion of its service area.

The Commission's Water Division has reviewed the requested service territory expansion and supports the request of the parties. The request will be approved.

Findings of Fact

1. Complainant's property is surrounded by the Yerba Buena Water Company's service territory but complainant cannot receive water service because of the prohibition to expansion in D.93-04-028.
2. Complainant has no other source of water.
3. Company has adequate water to supply current customers and complainant.

Conclusion of Law

The Commission concludes that D.93-04-028 should be modified to permit defendant to serve complainant's property described in Appendix A.

O R D E R

IT IS ORDERED that:

1. Decision 93-04-028 is modified in the following respect: Within 30 days after the effective date of this order, Yerba Buena Water Company shall: (i) file a revised service area map in compliance with General Order Series 96, to include the real property set forth in Appendix A of this decision, and (ii) apply its present tariff to such real property.

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2. This case is closed.

This order is effective today.

Dated September 3, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

APPENDIX A
DESCRIPTION OF REAL PROPERTY

Parcel 14, Page 07, Book 700 - 1.19 acres, County of Ventura
Assessor's Parcel, State of California

(END OF APPENDIX A)