

ORIGINAL

Decision No. 18164

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application  
of Robert Gallegos for authority  
to discontinue service of water  
at Mission San Jose, California.

Application No. 14108.

Myron Harris & Leo Sullivan,  
by R.J. Darter, for Applicant.

BY THE COMMISSION:

O P I N I O N

This is an application by Robert Gallegos to discontinue the operation of a small public utility water system owned and operated by him and supplying water to consumers at Mission San Jose, in Alameda County.

The application alleges in effect that applicant formerly operated the public utility water system serving the town of Mission San Jose, Alameda County; that said service was operated by applicant until the twentieth day of December, 1924, at which time the said water system was transferred to Telles Brothers Water Company by authority of the Railroad Commission; that, as an accommodation, applicant continued to serve five of his neighbors who were being supplied with water from a separate pipe line on the Niles Road; and that four of said consumers are paying a flat rate of \$1.50 per month and one consumer is paying a flat rate of \$2.50 per month for the use of water. It is further alleged that the returns for the service rendered are insufficient

to reimburse applicant for the time and effort required to maintain the service. The applicant therefore asks the Railroad Commission to authorize the discontinuance of this service and to be relieved from his public utility obligations.

A public hearing in this matter was held before Examiner Cannon at Mission San Jose, Alameda County, on November 1, 1927, after all interested parties had been notified and given an opportunity to appear and be heard.

The Mission San Jose water system was originally installed about 1869 and came into possession of Juan Gallegos, father of applicant, in 1880. Water was supplied from three springs on the Gallegos property, delivery being made by gravity. About the year 1900, the Pacific Gas and Electric Company installed a sub-station on the highway near Mission San Jose and laid about 3200 feet of 2-inch S.S. pipe to the Gallegos system in order to secure water service. Subsequent to the abandonment of the sub-station some years later, Gallegos continued to serve certain additional consumers who in the meantime had been connected to this line.

The evidence shows that within the area in which applicant's present consumers reside the underground formation is such that it is extremely difficult to obtain adequate water for household and domestic purposes from well sources, except at a practically prohibitive expense. The water supply for the Telles Brothers Water Company is now insufficient to supply the demands of its present patrons and for this reason applicant's consumers cannot be served from this source. There is then no source of water available to these five consumers other than that now received. At the time applicant was authorized to sell his Mission San Jose system, he retained without authority the

five consumers he is now serving. To authorize the discontinuance would leave these consumers without an adequate water supply through no fault of their own.

In view of these circumstances, together with the additional fact that the evidence shows that applicant has a large volume of gravity water available for this service and that the operations are not being conducted at a loss but, on the contrary, are actually earning a reasonable return upon that part of the investment properly chargeable to the service, it is clear that the application should be denied.

Complaint has been made that applicant has not at all times permitted sufficient water to flow into the pipe lines supplying his consumers, and applicant on the other hand has insisted that there has been a wasteful use of water. To eliminate this trouble in the future, applicant will be expected to take immediate steps to install meters for each of his consumers and to see to it that no obstructions are permitted to interfere with the free passage of water to his consumers at all times. In view of the fact that no schedule of meter rates has ever been established for this system, it will be necessary that applicant, without delay, file formal application with this Commission requesting that such a schedule be authorized.

#### O R D E R

Robert Gallegos having made application to this Commission for authority to discontinue public utility water service, as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission

being now fully advised in the premises,

IT IS HEREBY ORDERED that the above entitled applica-  
tion be and the same is hereby denied.

The effective date of this order shall be twenty (20)  
days from and after the date hereof.

Dated at San Francisco, California, this 23<sup>rd</sup> day  
of December, 1927

Frank J. ...  
Ed ...  
Leon ...  
Thos ...  
M. A. ...  
 Commissioners.