

Decision No. 25828.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of (a) the Application of)
 CALIFORNIA WATER SERVICE COMPANY,)
 a corporation, for a certificate that)
 present and future public convenience)
 and necessity require the construction)
 and operation of a certain extension)
 to its Port Costa district water system)
 (called the San Ramon Valley Extension),)
 and (b) the application of R.F.Booth)
 and Leona Abrott to sell and convey to)
 California Water Service Company their)
 water distribution system serving the)
 unincorporated Town of Danville, Con-)
 tra Costa County.)

ORIGINAL

Application No. 17407

McCutchen, Olney, Mannon & Greene,
 by Henry D. Costigan and J. E. Rodgers and
 A. F. Bray, by A. F. Bray, for applicants.

BY THE COMMISSION:

O P I N I O N

In this proceeding the Railroad Commission is asked to enter its order granting to applicant California Water Service Company a certificate that present and future public convenience and necessity require the construction, maintenance and operation of its San Ramon Valley extension to which reference will be hereafter made, and authorizing applicants R. F. Booth and Leona Abrott to sell and convey to applicant California Water Service Company the water distributing system owned by them in the unincorporated town of Danville.

The California Water Service Company is a corporation organized and existing under the laws of the State of California and is engaged in the business of supplying water as a public utility to

certain municipalities and unincorporated territories in the State of California, including therein the Town of Concord and certain unincorporated territory in Contra Costa County.. The company has recently constructed what is known as the Chenery Reservoir situate near the Town of Concord. A pipe line connects the reservoir with the company's Galindo pumping station.

From the Galindo pumping station to the Mount Diablo Country Club the company has installed a cast iron pipe line. This line is herein referred to as California Water Service Company's San Ramon Valley Extension. From Galindo to Walnut Creek, a distance of 38,453 feet, the pipe line is of 12-inch diameter; from Walnut Creek to Mount Diablo Country Club, a distance of 42,652-1/2 feet, the pipe line has a diameter of ten inches. At Walnut Creek the company has installed, or will instal, a 100,000 gallon tank and booster pump, while a 100,000 gallon tank will also be installed at the Mount Diablo Country Club.

The company has entered into a contract under date of August 19, 1930 (Exhibit B) under which it agrees to furnish to the Town of Walnut Creek to and until April 1, 1938, all water used, sold, or to be sold by said town, at the rates, or rate, for the time being, in force and effect under the rate schedules on file or which shall hereafter be filed with the Railroad Commission and applicable to the Town of Port Costa, in Contra Costa County. Under the contract the California Water Service Company waives all right or rights which it might otherwise have, if any, of supplying or selling water to any person or persons, firm, or corporation within the present town limits of Walnut Creek, either retail or wholesale, or at all. The agreement is subject to such changes or modification as the Railroad Commission may prescribe from time to time in the exercise of its jurisdiction. The company has likewise entered into a contract to fur-

nish water to the Mount Diablo Country Club and to the Contra Costa Golf Club. In addition, the record shows that there are now connected to this system about 140 consumers, including the consumers formerly served by the public utility water system of Booth and Abrott.

The total cost of the proposed San Ramon Valley extension is reported at about \$255,000.00. It is the plan of the company to pay of this, about \$128,000.00 from the proceeds which it obtained from the sale of its Fresno public utility water properties and finance the balance through the issue of securities.

It is of record that R. F. Booth and Leona Abrott have for some year past, been operating a public utility water system in the Town of Danville. This utility serves about 40 consumers, all of which have been furnished water on a flat rate basis. The applicant, California Water Service Company, has offered to purchase for the sum of \$600.00 the distributing system of Booth and Abrott situate to the east of the Southern Pacific right of way.

It further appears from the record that the California Water Service Company has for more than a month past been serving water to consumers formerly attached to the system of Booth and Abrott and that all water thus furnished has been under a meter rate schedule. No objection, according to the testimony, has been raised to any of the rates which have been charged by California Water Service Company. The company requests that it be permitted to continue to charge throughout the territory served by San Ramon Valley extension its regularly established rates applicable to its Port Costa division.

A map showing the service area of the San Ramon Valley extension has been filed in this proceeding.

O R D E R

The Commission having been asked to enter its order, as indicated in the foregoing opinion, a public hearing having been held before Examiner Fankhauser and no one appearing at such hearing to protest the granting of applicants' requests, the Commission having considered the testimony submitted and being of the opinion that such requests should be granted, therefore,

IT IS HEREBY ORDERED that applicants R.F. Booth and Leona Abrott be, and they are hereby, authorized to sell and convey, on or before September 1, 1931, their water distributing system, referred to in this application and more particularly described in the agreement filed on June 20, 1931, to the California Water Service Company and upon the sale of such properties discontinue their public utility business.

THE COMMISSION HEREBY FINDS AND DECLARES that public convenience and necessity require and will require California Water Service Company to construct, maintain and operate its San Ramon Valley extension described in this application, and to furnish water for domestic and other purposes in and throughout the territory shown on map filed on June 24, 1931, in this proceeding, except that no water shall be sold by said California Water Service Company to any person or persons, firm or corporation within the present town limits of Walnut Creek, either retail, or wholesale, or at all, unless said California Water Service Company is hereafter by this Commission directed to sell water in said Town of Walnut Creek.

IT IS HEREBY FURTHER ORDERED that until otherwise ordered and directed by the Railroad Commission, California Water Service Company may and shall charge for water sold throughout the aforesaid San Ramon Valley extension territory the rates which it has now on file with the Commission for its Port Costa division, and shall sell

