

Decision No. 24095

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CLEVE GRAINGER for a certificate of
public convenience and necessity for
the operation of a public utility
water system.

Application No. 17297.

Edward J. Lynch, for Applicant.

Fred C. Ehman, for Santa Clara Public
Service Company and Santa Clara Val-
ley Water Company.

HARRIS, COMMISSIONER:

ORIGINAL

O P I N I O N

In this proceeding Cleve Grainger requests a certificate of public convenience and necessity to construct and operate a public utility water system in the County of Santa Clara in the Walter Clark Subdivision adjacent to and outside the corporate limits of the City of Mountain View. It is alleged in the application that the City of Mountain View has supplied the area with water but recently gave notice that service could no longer be continued. Authority is therefore asked to install a water system to supply this area. The application further states that a permit has been obtained from the County Board of Supervisors of Santa Clara County to lay pipes in the roads, streets, and alleys of said subdivision.

Public hearings in the above entitled proceeding were held at Mountain View.

According to the evidence the City of Mountain View at present supplies an adequate water service throughout the area in which Mr. Grainger proposes to serve. Mr. B.L. Hayes, City Clerk of Mountain View, testified that recently the City Council caused all consumers being served by said City outside its corporate limits to sign an agreement outlining the conditions of water service from the municipal water works but has no intention whatsoever of discontinuing service to such consumers.

Although Mr. Grainger testified that the locality he intended to serve would be benefited by the installation of a separate water system, yet he has no present ability to provide water service nor has he presented any plans for a water system regardless of the fact that two adjourned hearings were held specifically to provide him an opportunity so to do. In view of the fact that the City of Mountain View, through its Clerk, Mr. Hayes, has assured the Commission that the municipal system will continue in the future to serve the consumers in the area in which applicant desires to supply water, it is clear that said applicant has failed to make a proper and valid showing of public necessity. As any effort to duplicate a water service in this community would be extremely ill-advised at this time, I am of the opinion that the application should therefore be denied.

The following form of Order is recommended.

O R D E R

Application having been made to this Commission as entitled above, hearings having been held thereon, the matter having been duly submitted and the Commission being now fully advised in

the premises,

IT IS HEREBY ORDERED that the above entitled application be and the same is hereby denied without prejudice.

The foregoing opinion and order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 5th day of October, 1931.

W. D. Jones
Leon Whitney

W. B. Lewis
Frederic G. Stewart
Commissioners.