

Decision No. 10186.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
J. E. STUBBE for permission to discon-  
tinue supplying water through private  
system. )

Application No. 7015.

F. E. Bartlett, for applicant.

ROWELL, Commissioner.

ORIGINAL

O P I N I O N

J. E. Stubbe, applicant herein, is a farmer and the owner of a pumping plant supplying water for domestic purposes to about twelve consumers in a subdivision known as Ravenswood, near Palo Alto, Santa Clara County. Applicant asks for authority to discontinue this service, alleging that the pumping plant is inadequate, having only sufficient capacity to supply the needs of his ranch.

A public hearing in this proceeding was held in Palo Alto, of which all of the consumers were duly notified and were given an opportunity to appear and to be heard.

The testimony shows that the system was installed by J. F. Parkinson to supply water to the Ravenswood subdivision. The project failed and the property was subsequently sold through a foreclosure proceeding. Applicant purchased twenty-five acres of the tract upon which are located the pumping plant, tank and well. The remaining portion of the area, consisting of about

one hundred acres, upon which is located the distribution system, was purchased by Charles Weeks. This area was subdivided into acre tracts and has been practically all sold.

The testimony also shows that the water supply is not sufficient for applicant's needs and that the revenues derived from the sale of water do not even pay operating expenses. It was further shown that the installation of additional facilities would only increase the operating expenses, as almost all of the settlers in that area have their own wells for supplying water for domestic and irrigation purposes, and only a few take water from applicant's system for domestic purposes because of its softness.

A claim of ownership of the pipe line in the distribution system was made in behalf of Mrs. Parkinson. The testimony shows, however, and it was later verified by examination of the records, that the Ravenswood property was described by metes and bounds, when sold in the foreclosure proceeding, and therefore included all the improvements. The record of this transaction disposes of Mrs. Parkinson's claims.

It was suggested by applicant that the pipe lines could be used by the four or five consumers not having wells, in obtaining water from neighbors who have wells and a surplus supply of water and who are willing to furnish service. As Mr. Weeks, who purchased the tract, waived ownership of the pipe lines in his testimony, this arrangement will provide a water supply to the consumers not having an independent source.

As it appears that the water plant owned by applicant is inadequate, and that the few consumers who have not an independent supply can be supplied by neighbors through the present pipe system, it would be unreasonable to require applicant to continue

the service of water, and it also appears that the consumers without an independent supply should proceed to develop wells.

It is recommended that the application for discontinuance of service be granted on the conditions set out in the following order:

### O R D E R

J. E. Stubbe having made application to this Commission for an order authorizing a discontinuance of water service to consumers in the area known as Ravenswood Subdivision, near Palo Alto, a public hearing having been held thereon, and the matter having been submitted,

It is Hereby Found as a Fact that it would be unreasonable to require applicant to continue the operating of a public utility water system for the purpose of supplying these consumers,

And basing the order upon the foregoing finding of fact and upon the statements of fact contained in the opinion which precedes this order,

IT IS HEREBY ORDERED that J. E. Stubbe be and he is hereby authorized to discontinue service of water to consumers in the area known as Ravenswood Subdivision, near Palo Alto, such discontinuance to become effective when temporary service has been provided for such consumers as have no wells.

IT IS HEREBY FURTHER ORDERED that final authorization for discontinuance shall be rendered by supplemental order of this Commission upon the filing of a certified statement that the required temporary service has been provided for all consumers not having an independent water supply.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission

