

Decision No. _____

ORIGINAL

Decision No. 5338

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
 the Town of Martinez for permission to)
 buy, and of the Port Costa Water Company)
 to sell the water distribution system) Application 3768
 in Martinez and vicinity and that a rate)
 for wholesaling water to the town of)
 Martinez be approved.)

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A. F. Bray, for
the town of Martinez,

E. H. Schibley, for
Port Costa Water Co.

GORDON, COMMISSIONER:

O P I N I O N

This application asks approval of an agreement entered into between the Port Costa Water Company and the town of Martinez, in which the former agrees to sell its water distribution system in the town of Martinez and vicinity to the latter at a stated price. Incidentally, provision is made in the agreement for sale of water wholesale at rates agreed upon between the parties.

Following is the description of the property involved:

All that certain water distributing system, together with all reservoirs, pumping plants, pipe, valves, service connections, taps, hydrants and meters of every kind, nature and description; together with all materials, equipment, tools and personal property, franchises, water contracts, privileges and other property of every kind, nature and description belonging thereto and used in connection with said water distributing system; together with all real estate belonging to said system now being situated and located in the town of Martinez, and the Alhambra Heights Tract and Shell Heights Tract without the town of Martinez.

A hearing was held at Martinez on June 26th at which testimony was introduced on behalf of the town of Martinez and of the Port Costa Water Company. They are in complete accord with

reference to the transfer of the property, the price of same and the rates for wholesale water. No evidence was presented in opposition to the agreement heretofore entered into between the parties. I believe that under the circumstances the public interest will be served if the agreement is ratified. It should be understood, however, that an approval by the Commission of any rates for water set out in the agreement shall not interfere with the Commission at any future time establishing a new rate to take the place of the agreed rate, as in its judgment it may decide to do after investigation.

O R D E R

The town of Martinez and Port Costa Water Company having filed with the Railroad Commission an application and copy of a certain agreement entered into between these two parties with reference to the transfer of a certain distributing system in Martinez and vicinity and the establishment of a wholesale rate for water and asking the Railroad Commission to approve said agreement.

A public hearing having been held and the town of Martinez and Port Costa Water Company, having been accorded full opportunity to present such evidence as they may desire to submit and each of said parties having presented such evidence, and the Railroad Commission of the State of California being fully advised in the premises,

IT IS HEREBY FOUND AS A FACT that the just compensation to be paid by the town of Martinez for all the said Company's water distributing system as aforesaid, is Thirty Three Thousand Thirty Nine and Nine Cents (\$33,039.09) Dollars. Said property for which said compensation is hereby fixed as just and reasonable is described in the opinion preceding this finding and excepting therefrom any extensions and installations made since May 17th, 1918, the actual cost of same to be added to the above, if agreed to by the two parties, and

IT IS HEREBY ORDERED that the Port Costa Water Company file with this Commission the following schedule of rates for water wholesale to the town of Martinez, said rates to become effective July 1st, 1918.

Fourteen cents per 100 cubic feet for the first 400,000 cubic feet per month. Thirteen cents per 100 cubic feet for the second 400,000 cubic feet per month. Nine cents per 100 cubic feet for all consumption over and above 800,000 cubic feet per month.

By order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 29 day of July, 1918.

Edmund C. Edgerton
H. B. Howard
W. Gordon
Commissioners.