

Decision No. 28281.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of THOS. E. COOPER for permission)
to serve the Town and Old Town of)
Waterford with Natural Gas.)

Application No. 20125.

Thomas E. Cooper, in propria persona.

BY THE COMMISSION:

O P I N I O N

Applicant herein, Thomas E. Cooper, has asked for an order declaring that public convenience and necessity require the construction and operation by him of a gas collecting and distributing system for the purpose of supplying natural gas for domestic purposes to a limited portion of the unincorporated town and old town of Waterford, in Stanislaus County.

A public hearing on this application was held at Waterford before Examiner Williams on October 9, 1935, at which time and place testimony was received and the matter submitted.

No one appeared to oppose the granting of this application.

The evidence shows that this community is without gas service, that the nearest public utility supplying such service operates in the City of Modesto and vicinity, and that there is no immediate prospect that Waterford will be served by that or any other public utility.

Applicant obtains his supply of natural gas from an artesian well on his property by causing it to discharge into a collecting chamber in which the gas is separated and retained

while the water passes through. He proposes to transmit the gas thus obtained a distance of approximately 1000 feet, to a point at the town limits, from which distribution will begin. The output of this well has remained constant for a period of more than ten years and applicant therefore feels justified in making this venture. He proposes, however, if this application is granted, to sink another and larger well to increase his present supply.

He states that he is able to finance the cost of the wells and distributing system essential for supplying the intended service.

He has not as yet obtained the necessary franchise but has applied to the Board of Supervisors of Stanislaus County for one and states that he has received verbal assurance that his request will be granted.

It is not his intention to undertake to serve the entire community at first and he accordingly asks that his initial operations be limited to Blocks A, B, C, D, E, F, G, H, 18, 21, 22, 23, 24 and 25 of the town of Waterford, as designated on the map which accompanied his application.

We have carefully considered the evidence in this proceeding and are of the opinion that this application should be granted.

O R D E R

Thomas E. Cooper having asked the Railroad Commission of the State of California to make its order and decision declaring that public convenience and necessity require and will require the construction and operation by him of a natural gas collecting and distributing system to supply natural gas for domestic purposes to a limited portion of the town and old town of Waterford,

and the exercise of all permits, easements and franchises necessary thereto, a public hearing having been held, the matter having been submitted and now being ready for decision;

The Railroad Commission of the State of California hereby certifies and declares that public convenience and necessity require and will require the construction and operation by Thomas E. Cooper of a gas collecting and distributing system necessary to supply natural gas for domestic purposes to the inhabitants of Blocks A, B, C, D, E, F, G, H, 18, 21, 22, 23, 24 and 25 of the town and old town of Waterford, Stanislaus County, and the exercise by him of all permits, easements and franchises necessary to such construction and operation, provided the Railroad Commission may hereafter by appropriate proceedings and orders revoke or limit, as to territory not then served by Thomas E. Cooper, the authority herein granted.

The authorization herein granted is subject to the following conditions and not otherwise:

- (a) That applicant shall file with this Commission a certified copy of the franchise which he expects to obtain.
- (b) That applicant shall file with this Commission a stipulation to the effect that he will never claim for this franchise a value in excess of the cost thereof.
- (c) Upon the filing of this franchise and stipulation in proper form the Commission will issue a supplemental order authorizing the exercise by applicant of the rights and privileges conferred by said franchise.
- (d) The filing prescribed in paragraphs (a) and (b) supra shall be effected on or before January 31, 1936.

The authorization herein granted shall become effective from and after the date hereof. For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 25th day of November, 1935.

Leon A. White

W. A. Linn

M. B. Linn

Frank R. Deane

Commissioners.