

Decision No. 28892

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
E.R. Kennedy for a certificate of  
public convenience and necessity to  
operate a public utility water sys-  
tem and for authority to transfer  
said water system to Robert C.  
Hopkins, Robert C. Hopkins joining  
in said application for transfer.

Application No. 20320.

E. R. Kennedy, in propria persona  
and for Robert C. Hopkins.

BY THE COMMISSION:

O P I N I O N

E. R. Kennedy, who owns and operates a water system in Santa Clara County near the Town of Campbell serving a subdivision known as Winchester Home Sites, asks for a certificate of public convenience and necessity to operate as a public utility and requests authority to transfer the system to Dr. Robert C. Hopkins who joins in the application. The Commission is also asked to authorize a loan entered into by the purchaser covering the utility property and to establish rates for the sale of domestic and irrigation water.

A public hearing was held at Campbell before Examiner MacKall.

This water works was installed in 1931 by E.R. Kennedy to supply water to the Winchester Home Sites subdivision. The well is 300 feet deep operated by a turbine pump and delivers water

through steel pipe for domestic use and cement pipe for small-parcel irrigation purposes. Fourteen consumers are now given water, about ten receiving irrigation water also. The plant investment at historical cost is \$5,068. Mr. Kennedy has sold a residence and the water works to Dr. Hopkins for a consideration of \$9,211.98, in consideration of which he has received certain real estate and a note for \$4,419.05 to be paid in monthly installments, secured by a deed of trust covering both utility and private property.

The certificate will be granted to become effective upon the filing with this Commission of a franchise, permit or evidence of consent of the County Board of Supervisors of Santa Clara County to lay and maintain pipe lines over, under, along and across county roads and highways. The rates established will be practically identical to those now charged which appear to be fair and reasonable under existing conditions. Other requests will be granted as set out in the Order following.

#### O R D E R

E.R. Kennedy and Robert C. Hopkins having made application as entitled above, a public hearing having been held thereon, the Commission being now fully informed in the premises and being of the opinion that the money, property or labor to be procured or paid for through the issue of the note is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expense or to income, therefore

THE COMMISSION HEREBY ORDERS AND DECLARES AS FOLLOWS:

1. That public convenience and necessity require that E.R. Kennedy operate and maintain a water system for the purpose

of supplying water for domestic and irrigation purposes within that certain area more particularly delineated upon the map attached to the application in this proceeding which is made a part of this Order by reference.

2. That E. R. Kennedy may sell and convey after the effective date hereof and prior to the 31st day of August, 1936, to Robert C. Hopkins the public utility water system described in the application herein.

3. IT IS HEREBY ORDERED that Robert C. Hopkins be and he is hereby authorized to execute a deed of trust substantially in the same form as that filed with the application and to issue a note in the principal amount of \$4,419.05, payable in monthly installments with final payment due on January 1, 1939, with interest at the rate of 7.2 per cent per annum, for the purpose of financing in part the cost of acquiring the water and other properties referred to in the preceding Opinion, provided:

- a. That the authority herein granted to execute a deed of trust is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of said deed of trust as to such other legal requirements to which it may be subject; and
  - b. That Robert C. Hopkins shall file with the Commission within sixty (60) days from the date of this Order a copy of said deed of trust and note as actually executed; and
  - c. That the authority herein granted to execute a deed of trust and to issue a note will become effective when Robert C. Hopkins has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which fee is twenty-five (25) dollars.
4. IT IS HEREBY FURTHER ORDERED that Robert C. Hopkins

be and he is hereby directed to file with the Railroad Commission of the State of California, within thirty (30) days from the date of this Order, the following schedule of rates to be charged for water delivered to his consumers in Santa Clara County, said rates to become effective as of the date of this Order.

#### DOMESTIC METERED RATES

##### Monthly Minimum Charges:

5/8 x 3/4-inch meter-----	\$1.25
3/4-inch meter-----	1.75
1-inch meter-----	2.00
1 1/2-inch meter-----	3.00
2-inch meter-----	4.00
4-inch meter-----	6.00

Each of the foregoing "Monthly Minimum Charges" will entitle the consumer to the quantity of water which that monthly minimum charge will purchase at the following monthly quantity rates.

##### Monthly Quantity Rates:

First 568 cubic feet or less-----	\$1.25
From 568 to 1,500 cubic feet, per 100 cubic feet-----	.22
Over 1,500 cubic feet, per 100 cubic feet-----	.20

#### IRRIGATION RATE

Undiminished capacity of pump in proper state of repair and operating condition, per hour-----	\$1.25
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5. IT IS HEREBY FURTHER ORDERED that the certificate of public convenience and necessity herein granted shall become effective only upon the filing with this Commission by E.R. Kennedy of a certified copy of a franchise, permit or consent from the Board of Supervisors of the County of Santa Clara granting him permission to construct, operate and maintain water pipes in and along the roads and highways throughout the area of service.

6. IT IS HEREBY FURTHER ORDERED that Robert C. Hopkins be and he is hereby directed to file with the Railroad Commission

of the State of California, within thirty (30) days from the date of this Order, rules and regulations governing relations with his consumers, said rules and regulations to become effective upon their acceptance for filing by the Railroad Commission.

For all other purposes this Order shall become effective twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 6th day of

April, 1936.

W B Lami  
Leon Whittall  
M A Cunn  
W H L. Harris  
Frank R. Stevens  
Commissioners.

