

Decision No. 21518

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of FRANK NOVERO, attorney in fact for LUIGI NOVERO, and CARLO RICCOMINI, attorney in fact for CARLO NOVERO, for an order permitting them to abandon the domestic water system at Dos Palos, California, and to discontinue further service to the remaining consumers under said system.

ORIGINAL

Application No. 21518

John D. Chinello, for applicant.

L. M. Linneman, for City of Dos Palos.

WAKEFIELD, COMMISSIONER:

O P I N I O N

In this proceeding, Frank Novero, attorney in fact for Luigi Novero, and Carlo Riccomini, attorney in fact for Carlo Novero, ask for authority to discontinue the service rendered through the former Jack Godfrey system now controlled by them at Dos Palos in Merced County. Applicants allege that the utility properties are now being operated in competition with a newly constructed municipal water works which has resulted in the loss of practically all of their consumers.

A public hearing in this matter was held at Dos Palos.

According to the evidence Jack Godfrey became indebted to Joe Novero, now deceased, whose heirs came into possession of the water works pursuant to a receivership covering the Godfrey

properties established by court decree and through and by virtue of the decree of distribution in the estate of said Joe Novero. Subsequent to taking possession of this utility by applicants, the City of Dos Palos constructed and has now placed in operation a water system capable of supplying all the residents of Dos Palos and immediate vicinity. The Godfrey system formerly supplied water to about 250 consumers but at present serves but 23, making it impossible to continue further operation except at an enormous financial loss.

The record shows that improved service is being rendered by the municipal plant and that a better quality of water is being delivered to the users. Representatives of the City of Dos Palos testified that all applicants' consumers would be furnished with water service upon proper application therefor. No consumer appeared to oppose the granting of the application; therefore, it appears that the request should be granted provided the few remaining consumers receiving service from applicants' system be allowed a reasonable time in which to connect to the municipal plant.

The following form of Order is submitted.

O R D E R

Application as entitled above having been filed with this Commission, a public hearing having been held thereon, the matter having been submitted and the Commission now being fully advised in the premises, now, therefore,

IT IS HEREBY ORDERED that Frank Novero, attorney in fact for Luigi Novero, and Carlo Riccomini, attorney in fact for Carlo Novero, be and they are hereby authorized to discontinue all public

utility water service in the City of Dos Palos, Merced County, California, on and after the 22nd day of January, 1938, subject to the following terms and conditions:

1. Within ten (10) days from and after the date of this Order, Frank Novero and Carlo Riccomini shall notify each and every consumer now being served with water from their system of their intention to discontinue all public utility water service on the 22nd day of January, 1938.
2. Within sixty (60) days from and after the date of this Order, Frank Novero and Carlo Riccomini shall refund all amounts, if any, due consumers for deposits made to guarantee payment of water bills, for main extensions, meter and/or service connections, and/or for any other purposes.
3. Within sixty (60) days from and after the date of this Order, Frank Novero and Carlo Riccomini shall file with this Commission a certified statement indicating that they have duly complied with Paragraphs 1 and 2 of this Order and shall state in addition thereto in said certified statement the date upon which they finally ceased delivering water to their consumers.

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

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 3rd day of January, 1938.

Walter W. ...
Frank Novero
Carlo Riccomini
Commissioners.