

Decision No. 30740

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
FRANK DELANEY for certificate of pub-
lic convenience and necessity to op-
erate a domestic water supply system
as a public utility.

Application No. 21689

Ronald B. Harris, for Applicant.

Frank E. Marvin, for Consumers
and Property Owners.

BY THE COMMISSION:

O P I N I O N

In the above entitled application Mr. Frank Delaney asks for a certificate of public convenience and necessity to operate a water works to serve certain subdivided properties known as Beverly Park and Beverly Park No. 2 comprising the west half of Lot 16 and the east half of Lot 15 of Gould Ranch in Section 27, Township 13 South, Range 20 East, M.D.B. & M., situate northeasterly and in the immediate proximity of the City of Fresno in the County of Fresno.

A public hearing in this matter was held before Examiner Claude C. Brown at Fresno.

From the evidence it appears that the properties comprising the proposed service area involved in this proceeding were subdivided into eighty-two (82) one-half acre lots and placed upon the market in 1937 by J. C. Forkner, Inc., a corporation. However, title to the pumping station, production and distribution

systems, lands, easements and rights of way, together with appurtenances thereto, have been conveyed by this corporation to Mr. Frank Delaney, applicant herein. The water supply is at present obtained from a 10-inch cased well, 78 feet deep, from which water is distributed through an automatic pressure tank system having a primary capacity of 3,097 gallons. The distribution mains range from four inches to two and a quarter inches in diameter and supply at the present time twenty-three consumers. The water supply is adequate for the present demands and sufficient to cover a substantial increase therein in the near future. Should additional water be required, another well may be drilled and equipped most anywhere in or near the subdivision as this entire territory is considered to be good water-bearing land. The capital investment in the water works has been appraised by E. L. Clark, one of the Commission's hydraulic engineers, at four thousand five hundred ninety-two dollars (\$4,592). No data have been available as to revenues and operating costs by reason of the fact that the system has been in operation for only a few months. However, it is the intention of applicant to file a flat rate based upon a one-dollar-and-fifty-cent (\$1.50) minimum monthly charge for residential properties. No schedule of rates was filed during the hearing however.

No public utility or other water works serving domestic water is operating in or immediately adjacent to the area in which this applicant desires to serve. No protests were made against the granting of the certificate and it appears therefore that the application should be granted. However, the evidence indicates that applicant has not as yet secured a franchise, permit or other consent from the county authorities to install, lay and maintain

pipe lines in, on and/or across county roads, highways and alleys in the two above mentioned tracts. Counsel for applicant stated at the hearing that immediate application would be filed with the County Board of Supervisors for such permission.

O R D E R

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

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the operation of a water system by Frank Delaney in those certain tracts of land more particularly described as Beverly Park and Beverly Park No. 2 and also known as the west one-half of Lot 16 and the east one-half of Lot 15 of Gould Ranch in Section 27, Township 13 South, Range 20 East, M.D.B. & M., situate adjacent to and northeasterly of the City of Fresno in Fresno County and as delineated upon the maps designated as Exhibit "A" and Exhibit "B" attached to the application herein and hereby made a part of this Order by reference, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Frank Delaney to sell and distribute water as a public utility in the territory hereinabove described.

IT IS HEREBY FURTHER ORDERED that Frank Delaney be and he is hereby authorized and directed to file with this Commission, within thirty (30) days from the date of this Order, the schedule

of rates to be charged for all water service to be supplied within the area for which the certificate of public convenience and necessity is granted herein, said rates to be subject to approval of this Commission.

IT IS HEREBY FURTHER ORDERED that the authority granted herein, together with the schedule of rates authorized and directed to be filed with this Commission, shall become effective only upon the filing with this Commission by applicant of the proper franchise, permit or consent granted by the Board of Supervisors of the County of Fresno or its delegated agent for the construction, maintenance and operation of pipe lines and other water-producing and -distributing facilities in, on and/or across county roads, highways and alleys within the service area in which applicant is authorized to serve water as a public utility in the Order herein.

IT IS HEREBY FURTHER ORDERED that said Frank Delaney be and he is hereby directed to file with this Commission, 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 this Commission.

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 4th day of April, 1938.

Walter H. ...
Frank Delaney
John R. ...
Raymond ...
W. L. ...
Commissioners.