

Decision No. 30788

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
JOHN J. DONAGHY for Certificate of  
Public Convenience and Necessity to  
Operate a Domestic Water Supply  
System as a Public Utility and for  
the Establishment of a Rate.

Application No. 21696

Byron Coleman, for Applicant.

BY THE COMMISSION:

O P I N I O N

In this proceeding John J. Donaghy asks the Railroad Commission for a certificate of public convenience and necessity to establish service as a public utility for the distribution of water for domestic use in a certain subdivision known as Donaghy Tract and contiguous undivided land, located approximately one mile southeast of Glen Ellen in Sonoma County. A request is also made for the establishment of a schedule of rates for such service.

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

The Donaghy Tract is a portion of the lands of John J. Donaghy lying between the county road and Sonoma Creek and bounded on the north by property of the State of California, used by the Sonoma State Home at Eldridge, and on the south by other property of the applicant herein. The tract is subdivided to make forty-seven lots, approximately eighteen of which have been sold, mostly to persons employed at the nearby Sonoma State Home.

Applicant is now installing a water system consisting of

a drilled and cased well equipped with a deep well turbine pump, a steel pressure tank of 6,000 gallons capacity, approximately 3,000 feet of 4-inch and 2½-inch O.D. mains, and a number of fire hydrants to be located at strategic points. For standby and emergency use, applicant will connect the tract system with an elevated tank located at the rear of his residence on adjoining property. This tank is filled through an independent well and pumping plant.

From the evidence submitted it appears:

1. That the proposed water supply system will serve the subdivision designated as Donaghy Tract with an adequate domestic water supply;
2. That no other domestic supply system serves the area proposed to be served and that in the operation of said system applicant will compete with no person, firm or corporation in serving this area with water; and
3. That there is no presently existing means of supplying water to said area except the system now being constructed by applicant.

At the hearing applicant asked that the service area be made to include other land now owned by him but not yet subdivided which adjoins and is contiguous to the Donaghy Tract. This request will be granted.

Testimony given at the hearing shows that the estimated cost of the completed water system for this tract will be about four thousand dollars (\$4,000). The plant not as yet having been placed in service, no definite details as to revenues and cost of operation are available. However, it appears that the operating expenses including depreciation will amount to approximately nine hundred dollars (\$900) per annum.

Applicant has requested a minimum monthly rate of two dollars (\$2.00) for each residence entitling the consumer to 4,000

gallons of water, or approximately 535 cubic feet. However, those consumers present protested against the minimum monthly charge proposed and requested that it be reduced and at the same time a larger quantity of water be provided for the monthly minimum payment. It appears that the proposed rate is somewhat higher than the service is reasonably worth and that it should be modified to more suitably fit present conditions of demand. The schedule set out in the following Order is based upon similar charges in effect on a number of systems operating in the general vicinity in Sonoma County and under similar circumstances and, in view of the fact that this water works is now in its initial development stage, the rates should be fair and reasonable to both consumer and applicant.

The testimony indicates that the water supply is adequate for present and future development and that, in the event of an abnormal demand for water, an additional supply can be obtained easily from wells now located or to be drilled upon property now owned and controlled by applicant. There is no other public utility water supply available for service in the area in which this applicant desires a certificate to operate and, there being no objection to the granting of this application, it therefore appears that a certificate should issue as requested. However, Mr. Donaghy has not yet obtained 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 above mentioned tract. The following Order therefore must necessarily be made contingent upon the receiving and filing with the Commission of such authorization.

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 now being 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 John J. Donaghy in that certain subdivision of land more particularly described as Donaghy Tract, being a portion of the land of John J. Donaghy and a part of the Rancho Petaluma in Section 22, Township 6 North, Range 6 West, M.D.B. & M., located approximately one mile southeast of Glen Ellen in Sonoma County, as delineated upon the maps designated as Exhibits "A" and "B" attached to the application herein and hereby made a part of this Order by reference, and also in other land of John J. Donaghy, not yet subdivided, adjoining and contiguous to the above described subdivided tract, the entire area being more particularly described as follows:

"All that certain real property situate, lying and being in the County of Sonoma, State of California, bounded and particularly described as follows, to wit:-

"Commencing in the center of the County Road running from Sonoma to Glen Ellen on the West side of Sonoma Creek, at the Northwest corner of the tract of land conveyed to Robert P. Hill by J. M. Thompson, a commissioner, duly appointed by the Superior Court of the County of Sonoma, State of California, in the action then pending in said Court, wherein Union Trust Company of San Francisco, as the executor of the last Will and Testament of Charles F. Doe, deceased, was plaintiff and Mary A. Miner, as executrix of the last Will and Testament of Luther Knight, deceased, et al, were defendants by deed of January 29, 1908 and recorded March 2, 1908, in Book 246 of Deeds, page 57, thence by true courses North  $66^{\circ} 50'$  East 18.88 chains to the center of Sonoma Creek; thence down said Creek, South  $24^{\circ} 30'$  East 12.64 chains, South  $5^{\circ} 45'$  East 1.29 chains, thence South  $70^{\circ} 45'$  West 22.14 chains, more or less, to the center of said County Road; thence along the center of said Road North  $11^{\circ} 45'$  West 10.14 chains; North  $7^{\circ} 15'$

East 2.70 chains to the point of commencement, containing 28.20 acres of land, more or less. Courses true, Magnetic Variation 17° 40' East. Being a portion of the Rancho Petaluma."

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to John J. Donaghy to establish service as a public utility for the sale and distribution of water within the territory hereinabove described.

IT IS HEREBY FURTHER ORDERED that said John J. Donaghy be and he is hereby authorized and directed to file with this Commission, within thirty (30) days from the date of this Order, the following schedule of rates to be charged for all water service rendered subsequent to the 30<sup>th</sup> day of April, 1938.

PERMANENT RESIDENCE RATES

Applicable only to bona fide permanent residents.

Monthly Minimum Charges:

For 5/8 x 3/4-inch meter-----	\$1.75
3/4-inch meter-----	2.50
1-inch meter-----	3.50

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:

From 0 to 500 cubic feet, per 100 cubic feet-----	\$0.35
Next 1,500 cubic feet, per 100 cubic feet-----	.25
Over 2,000 cubic feet, per 100 cubic feet-----	.20

TEMPORARY RESIDENCE RATES

Applicable to occupants of summer homes or week-end cabins and others who are not bona fide permanent residents.

Annual Minimum Charge:

Due and payable in advance-----\$15.00

The foregoing "Annual Minimum Charge" will entitle the consumer to 500 cubic feet of water each calendar month for any period of six consecutive months and to 50 cubic feet of water per month for the remaining six months at no extra charge.

When water is used in excess of the quantities covered by the foregoing "Annual Minimum Charge," the following rate schedule will apply:

Monthly Quantity Rates:

Applicable for period of six consecutive months.  
Excess use over the minimum allowance.

From 0 to	500 cubic feet, included in annual charge.	
Next	1,500 cubic feet, per 100 cubic feet-----	\$0.25
Over	2,000 cubic feet, per 100 cubic feet-----	.20

Monthly Quantity Rates:

Applicable during the period outside the regular six months' consecutive use.

From 0 to	50 cubic feet, included in annual charge.	
Next	450 cubic feet, per 100 cubic feet-----	\$0.35
Next	1,500 cubic feet, per 100 cubic feet-----	.25
Over	2,000 cubic feet, per 100 cubic feet-----	.20

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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 Sonoma 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 John J. Donaghy 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 18<sup>th</sup> day of April, 1938.

Walter H. ...  
John ...  
James ...  
Robert ...  
Paul L. Riley  
Commissioners.