

ORIGINAL

Decision No. 31449.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
J. V. A. FRATES, sole owner of the  
WINDSOR WATER COMPANY, for authority  
to abandon and discontinue public  
utility service in the Town of Windsor,  
County of Sonoma, State of California.

Application No. 21698

J. V. A. Frates, in propria persona.

BY THE COMMISSION:

O P I N I O N

In this proceeding J. V. A. Frates, operating a public utility water system under the fictitious name of Windsor Water Company in the Town of Windsor, Sonoma County, asks for authority to abandon and discontinue all further water service.

A public hearing in the matter was held before Examiner Claude C. Brown in Windsor.

The evidence presented in this proceeding discloses the facts that the utility obtains its water supply from an uncemented brick-lined dug well located in the center of the community and that the water has become so polluted from nearby private cesspools and sewage disposal units as to be no longer fit for human consumption. All water from this well has been condemned for distribution to the public for household uses by State and County authorities, resulting in arrangements being made by representatives of this Commission to provide a temporary

supply of water from a well located upon the property occupied by the local Masonic Temple. Unfortunately this well is small in size and limited in capacity, capable of producing barely sufficient water for drinking and household demand.

Testimony was presented by officials of the State Board of Health and the Sonoma County Health Department to the effect that no dug well in this community is safe for domestic purposes. These officials were unanimous in their recommendations that water should be secured only from a deep drilled well with casing specially selected to resist soil and water corrosion, such well to be located outside the polluted area in the town and also sealed against contamination from surface water. In this connection Mr. Frates conceded the necessity of abandoning his well and the bringing in of a new and uncontaminated water supply but claimed that by reason of the few consumers in the town and the small amount of revenue possible, he was unable to finance the laying of a pipeline to a new well site sufficiently far removed from the sources of possible contamination and pollution and, furthermore, did not feel that the returns in revenue would justify reconstruction of the distribution system to provide the fire protection demanded by the people in this locality.

The difficulties confronting Mr. Frates are now recognized by the property owners and residents of Windsor and certain thereof have agreed to form a company to be known as Windsor Utility Corporation for the purpose of providing a new water supply and to construct and install a complete water works, including modern pumping and distribution facilities. These plans

contemplate extension of service not only throughout Windsor but also to adjacent and adjoining territory. In view of these circumstances and the additional fact that no one opposed the abandonment and discontinuance of service of water by applicant, it appears that the request should be granted, to become effective upon such date as will give the residents of this community a reasonable time in which to construct and place in operation the newly proposed water works.

O R D E R

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

IT IS HEREBY ORDERED that J. V. A. Frates, sole owner of the public utility water system operated under the fictitious firm name and style of Windsor Water Company, be and he is hereby authorized to abandon and discontinue the service of water heretofore rendered to his consumers in and in the vicinity of Windsor, Sonoma County, on and after the twenty-eighth day of February, 1939, and thereon and thereafter said J. V. A. Frates shall stand relieved of all public utility obligations and liabilities heretofore incurred in connection with such service, subject to the following terms and conditions:

1. Within twenty (20) days from and after the date of this Order, said J. V. A. Frates shall notify in writing each and every consumer affected by this Order of his intention to abandon and discontinue service of water to them and all public utility water service on and after the twenty-eighth day of February, 1939.
2. Within thirty (30) days from and after the date of this Order, said J. V. A. Frates shall file

with this Commission a certified statement to the effect that he has duly given such notice as directed to be done in the immediately preceding paragraph.

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 9<sup>th</sup>  
day of November, 1938.

John A. Bell  
Charles H. Kelly  
Ray L. Riley  
COMMISSIONERS.