

Decision No. 31627

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Clyde W. Henry for a Certificate
of Public Convenience and Necessity
and for the establishment of rates
for domestic water service for Sub-
divisions in the vicinity of Broderick,
Yolo County.

ORIGINAL

Application No. 22206

Clyde W. Henry, in propria persona.
Emanuel Hendricksen, for Washington Water
and Light Company.
A. F. Turner, for Bondholders Committee,
West Sacramento Company.
Charles Bennett, for West Sacramento Volunteer
Fire Department.

BY THE COMMISSION:

O P I N I O N

This applicant, Clyde W. Henry, asks for a certificate of public convenience and necessity and the establishment of rates for domestic water service for subdivisions known as "West Sacramento City" and "Westacres" in Yolo County, adjacent to and southwest of the City of Sacramento. A suggested schedule of rates is given in the application.

A public hearing in this proceeding was held before Examiner M. R. MacKall at Sacramento.

The evidence shows that about 1910 a domestic water system was installed by West Sacramento Company, a corporation, a land development syndicate in the West Sacramento City Subdivision to supply water service to residents thereof and that in 1922 the Bondholders Committee, West Sacramento Company, acquired the water system together with adjacent lands and unsold lots in the existing subdivision. The system was installed to aid in the promotion of real estate sales and water has been furnished without charge. There are now about 68 such consumers. Witnesses representing the plant owners testified that

the operations of the water system were conducted by both the syndicate and the Bondholders Committee as a part of their routine private real estate business but that they now desire to support applicant, an experienced operator of other public utility water works in his request for a certificate of public convenience and necessity.

The service area as originally proposed in the application is quite extensive and includes certain large tracts of land not yet subdivided nor intended for subdivision within the near future; it embraces, however, all tracts, both subdivided and unsubdivided, now owned or controlled by the Bondholders Committee. Furthermore it is of record that the owner of certain property has protested against the inclusion thereof in the area proposed to be served by applicant herein. At the hearing Mr. Henry signified his willingness to revise the limits of his service area to coincide with those considered proper by the Commission in the light of all facts bearing on the question. In the Order which follows this Opinion, the service area will be defined as that which lies west of the Sacramento River and south of the Sacramento Northern Railway and the Southern Pacific Railroad rights of way, extending westerly to include Sutter Gardens Acres and Carly Acres and southerly to include West Sacramento City and the land lying between that subdivision and the Sacramento River; it will not include either the service area of Washington Water and Light Company in the community of Broderick nor will it include those lands lying west of the Main Drainage Canal and south of Carly Acres; all as more particularly delineated on the map submitted in evidence as "Exhibit No. 2, Revised" and by reference made a part hereof.

Certain consumers appeared at the hearing and testified that the existing well contains objectionable quantities of methane gas, that the distribution system is to some extent inadequate and that the subdivided area is not completely piped. Representatives

of the volunteer fire department in West Sacramento indicated the need for fire protection service. There is at present an active demand for building lots, and the Bondholders Committee, West Sacramento Company, is extremely desirous of having a satisfactory water supply system in operation in this area; in fact, this is mandatory if building loans are to be obtained from the Federal Housing Commission.

Certain individuals comprising the Bondholders Committee, West Sacramento Company, have entered into a contract with the applicant, Clyde W. Henry, providing that in consideration of the payment of \$4,500 to him, he will take over the existing facilities, undertake the supply of water to all of the inhabitants of the said "Westacres Subdivision", the "West Sacramento City-Unit One" subdivision, and other adjacent property, and make all necessary improvements. Should Mr. Henry fail to fulfill the contract, the property will revert to the Bondholders Committee, West Sacramento Company.

The evidence shows that in order to make possible the rendering of adequate service on an economical basis, extensive improvements will necessarily have to be made by Mr. Henry. A distribution system must be constructed in "Westacres" and at other points there must be adequate sized mains provided, storage facilities built and meters installed. Mr. Henry did not appear to have made a complete investigation and this proceeding was conditionally submitted to permit him to tender more definite plans to the Commission. Mr. Henry has filed a sworn statement to the effect that adequate service will be rendered to all consumers in the designated area and that certain improvements will be provided as fast as justified by the demand and made possible by the revenues.

The rates suggested by applicant include a service charge. It is deemed inadvisable to establish this form of rate and the following order will fix rates more applicable to this type of service and which are comparable to the rates of public utilities in the vicinity of Sacramento operating under similar conditions. When a fire protection district is organized to provide payment for fire protection service, fire hydrant rates may be established by negotiation and filed later with this Commission. Applicant has been granted permission by the Board of Supervisors of Yolo County to install and maintain pipes in the streets and alleys of the West Sacramento City and Westacres subdivisions included in this service area and will be required to secure additional authorization for the area not included in the permit filed herein. The certificate of convenience and necessity will accordingly be granted.

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,

The Railroad Commission of the State of California hereby declares that public convenience and necessity require that Clyde W. Henry operate a water system for the purpose of supplying water for domestic and other purposes to consumers residing within the area described as follows:

All that area south and west of the service area of Washington Water and Light Company, a public utility; south of the Sacramento Northern Railway and Southern Pacific Railroad rights of way; east of the westerly boundaries of Sutter Gardens Acres

and Carly Acres subdivisions; north of the southerly boundary of Carly Acres subdivision; east of the Main Drainage Canal, including West Sacramento City subdivision and the lands lying easterly thereof and west of the Sacramento River; all as more particularly delineated on a map entitled "Exhibit No. 2, Revised," submitted in evidence in this proceeding and made a part of this Order by reference.

The above described area particularly excludes those lands shown on the map as belonging to the estate of C. K. McClatchy and to Mrs. J. C. McCormick and which lie west of the Main Drainage Canal and south of Carly Acres subdivision.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to said Clyde W. Henry to operate a public utility system for the sale and distribution of water within the area set forth above.

IT IS HEREBY FURTHER ORDERED that when public utility service is begun to consumers residing without Westacres and West Sacramento City subdivisions, Clyde W. Henry shall file with this Commission a certified copy of a franchise, permit or consent issued by the Board of Supervisors of the County of Yolo granting him permission to use the public roads, streets and alleys for the purpose of installing, operating and maintaining a water system within said area.

IT IS HEREBY FURTHER ORDERED that said Clyde W. Henry be and he is hereby authorized and directed to file with the Railroad Commission, within thirty (30) days from the date of this Order, the following schedule of rates to be charged for water service rendered subsequent to the 31st day of January 1939:

Monthly Minimum Charges:

5/8 x 3/4-inch meter	.....	\$1.50
3/4-inch "	.....	2.00
1-inch "	.....	3.00
1 1/2-inch "	.....	5.00
2-inch "	.....	7.50

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" set out below:

Monthly Quantity Rates:

First 600 cubic feet or less	.....	\$1.50
Next 1,400 cubic feet, per 100 cu.ft.	.....	.20
All over 2,000 cubic feet, per 100 cu.ft.	.....	.15

IT IS HEREBY FURTHER ORDERED that within thirty (30) days from the date of this Order said Clyde W. Henry be and he is hereby directed to submit to this Commission for its approval rules and regulations governing the service of water to his consumers.

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 32 day of

January, 1934.

Robert W. Henry
James R. Miller
W. L. Rice
W. L. Rice