

Decision No. 33187

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
H. K. BERESFORD and CATHERINE A.
BERESFORD, his wife, and NELLIE V.
BERESFORD for a Certificate of
Public Convenience and Necessity and
Establishment of Rates for a sub-
division known as "Cool Air", near
Mineral, Tehama County, California.

Application No. 23453

ORIGINAL

Curtiss E. Wetter, for Applicants.

WAKERFIELD, COMMISSIONER:

O P I N I O N

In this proceeding H. K. Beresford and Catherine V. Beresford, his wife, and Nellie D. Beresford ask that the Commission grant them a certificate of public convenience and necessity to operate a water system in Cool Air, a subdivided parcel of land located at the Town of Mineral in Tehama County. Request is also made for the establishment of rates.

A public hearing in this matter was held in Mineral.

The evidence shows that applicants and their predecessors in interest have for the past twenty years been engaged in the business of operating a lodge, store and vacation resort in the Town of Mineral which is approximately ten miles southwest of Lassen Volcanic National Park. In 1928, Cool Air, a fifteen-acre tract, was subdivided into 118 lots and a complete water distribution system was installed comprising 610 feet of three-inch main,

4,400 feet of two-inch main and one-half inch service connections to each lot. A three-inch transmission line was extended 1,200 feet to a 10,000 gallon storage tank at a spring which produces from 10,000 to 30,000 gallons of water daily. In order to supplement the water supply, applicants recently joined with Mr. Gerber, a neighbor, in the construction of a six-inch line, 6,380 feet in length, to convey water from Martin Creek to the present storage facilities. Under the terms of a written agreement entered into with the National Park Service, applicants herein have connected this six-inch line to the infiltration and collecting works constructed at Martin Creek by the United States Government. These additional facilities have now been completed and will increase the available water supply for Cool Air by not less than twenty-five per cent of the rated pipe line capacity, or by 62,500 gallons per day.

At the present time there are thirty consumers in Cool Air. About one-half of the water users are permanent residents, the others occupy their homes only as vacation and weekend residents. No charges have heretofore been made for the water service. Applicants ask that rates be established to include charges for irrigated garden areas in excess of the 900 square feet allowed in the base charge. The testimony indicates that the rate structure as proposed will result in unfair discrimination. The rates established in the following Order will provide for a just and reasonable charge for all lawn and garden sprinkling and irrigation.

Records of the capital invested in the water system are incomplete and no records of the cost of operation have been kept. A report submitted by J. C. Luthin, one of the Commission's engineers, shows the estimated original cost of the water works to be \$4,846 as of May 24, 1940. One-half the cost of all facilities used

jointly by the lodge and resort and the subdivision was charged against the Cool Air system based upon relative water requirements. The future annual operating expenses under the present conditions were estimated to be \$320 including an allowance for depreciation of \$66.00.

The available sources of water supply appear to be sufficient to meet present and future requirements and the pipe lines, although not large, appear at this time to have enough carrying capacity to furnish satisfactory domestic service under present conditions. Mr. H. K. Beresford testified that he will remedy the inadequacy of the present storage facilities by the immediate installation of additional storage capacity. Interruptions in service which in the past have resulted from freezing are to be practically eliminated by a continuous circulation of the water under the new methods of operation. An encroachment permit has been obtained from the State of California for crossing the State Highway with the transmission line.

The following form of Order is recommended:

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 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 H. K. Beresford and Catherine A. Beresford, his wife, and Nellie V. Beresford in Cool Air subdivision, a portion of the southwest quarter (S.W. $\frac{1}{4}$) of the northeast quarter (N.E. $\frac{1}{4}$) of

Section 25, Township 29, North Range 3 East M D B & M, located in the Town of Mineral, Tehama County, a description of which was filed with the County Recorder in Book "F" of Maps, page 72, and a copy of which is attached to the application herein, marked Exhibit "A" and made a part hereof by reference.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to H. K. Beresford and Catherine A. Beresford, his wife, and Nellie V. Beresford to operate a public utility for the sale and distribution of water within the territory hereinabove described.

IT IS HEREBY FURTHER ORDERED that H. K. Beresford and Catherine Beresford, his wife, and Nellie V. Beresford be and they are 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 to their consumers subsequent to the first day of July, 1940:

FLAT RATES

Annual Basis

May to following April inclusive:

For residences of not more than five rooms, with not over one bath and one toilet, annual flat rate, payable in advance on May 1st	\$12.00
For each additional room, annual flat rate, payable in advance on May 1st	1.00
For each additional bath or additional toilet, annual flat rate, payable in advance on May 1st	1.50
For each 100 square feet, or major fraction of sprinkling or irrigation of lawns, shrubbery or gardens over 1,500 square feet, annual flat rate, payable in advance on May 1st25

FLAT RATES

Seasonal Basis

Applicable to consumers desiring water service for either the summer or winter vacation period only. The summer period to be the six months from May to October inclusive and the winter period to be from November to April inclusive. If the consumer, after having received service for one semi-annual period, desires to continue being served for the remainder of the year, the rates applicable for the second semi-annual payment are those set out below under "For balance of year."

For residences of not more than five rooms, with not over one bath and one toilet, semi-annual flat rate, payable in advance on the first days of May and November of each year \$7.50

For balance of year 6.00

For each additional room, semi-annual flat rate, payable in advance on the first days of May and November of each year60

For balance of year50

For each additional bath or additional toilet, semi-annual flat rate, payable in advance on the first days of May and November of each year90

For balance of year70

For each 100 square feet, or major fraction, of sprinkling or irrigation of lawns, shrubbery or gardens over 1,500 square feet, semi-annual flat rate, payable in advance on the first day of May for the summer season only25

IT IS HEREBY FURTHER ORDERED as follows:

1. That the charges for the current year or season commencing with May 1, 1940 shall be prorated on the basis of the ratio of the unexpired period following July 1, 1940 to the full period for which the foregoing rates apply.
2. That within thirty (30) days from the date of this Order, H. K. Beresford and Catherine A. Beresford, his wife, and Nellie V. Beresford be and they are hereby directed to submit to this Commission for its approval four sets of rules and regulations governing relations with their consumers, each set of which shall contain a suitable

map or sketch, drawn to an indicated scale, upon a sheet 8½" x 11" in size, delineating thereupon in distinctive markings the boundaries of the authorized service area hereinabove described and the location thereof with reference to the surrounding territory, provided further, however, that such map or sketch shall not thereby be considered by this Commission or any other public body as a final or conclusive determination or establishment of the dedicated area of service, or any portion thereof.

3. That H. K. Beresford and Catherine A. Beresford, his wife, and Nellie V. Beresford shall file with this Commission, within sixty (60) days from the date of this Order, four copies of a comprehensive map, drawn to an indicated scale of not less than 400 feet to the inch, upon which shall be delineated by appropriate markings the various lots in the territory for which the certificate is granted herein; this map should be reasonably accurate, show the source and date thereof, and sufficient data to determine clearly and definitely the location of the various properties comprising the entire utility area of service.

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 11th day of June, 1940.

Ray & Deley
Frank H. ...
R. B. ...
M. ...
Justin J. Cramer
Commissioners.