

Decision No. 33243

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
ELMER L. CUPP, an Individual, for a
Certificate under Section 50 of the
Public Utilities Act to establish
and maintain public utility water
service in that portion of Contra
Costa County, California, known as
BEL-AIR TRACT, a subdivision, and a
portion of the JOSEPH SIINO SUB-
DIVISION, and to establish and main-
tain water rates.

ORIGINAL

Application No. 23369.

Hugh H. Donovan and Rodgers, Wolletz
and Carmody by H. H. Donovan and
George C. Carmody, for applicant.

BY THE COMMISSION:

O P I N I O N

In this proceeding Elmer L. Cupp asks for a certificate of public convenience and necessity to operate a water system in Bel-Air Tract and in a portion of the Joseph Siino Subdivision, located near the City of Pittsburg, in Contra Costa County. Request also is made for the establishment of a schedule of rates.

A public hearing in this matter was held before Examiner Stava at Pittsburg.

According to the evidence applicant now operates a public utility water system in Orbisonia Heights, a subdivision, situate approximately a quarter of a mile southwesterly of the two above-mentioned real estate developments.

Bel-Air Tract consists of thirty-two acres, more or less, and lies about three miles southwest of the City of Pittsburg.

It was subdivided in 1939 into 175 lots. The subdivider installed therein a water system consisting of a 10,000-gallon storage tank elevated on a thirty-two-foot wooden tower, 2,210 feet of 4-inch mains and a turbine pump operating in a well 150 feet in depth which formerly had been used for the irrigation of truck gardens. Twelve consumers are now being served without charge. Applicant is purchasing this water works from Lydia Hollender, under a lease-option type of agreement which provides, among other things, for the option to purchase the plant within a five-year period for the sum of \$2,716, plus interest with credit thereon for the fifty-dollar (\$50.00) monthly rental charges.

Mr. Joseph F. Siino in 1928 subdivided a parcel of land containing five and a quarter acres into thirty-six lots. This property adjoins the northern boundary of Bel-Air Tract and extends to State Highway No. 4, and has been served by a water plant owned by Mr. Neno Seeno, consisting of a well and a few pipe lines one inch in diameter and smaller, serving at present eighteen residents of the tract at a flat rate of \$2.00 per month. The testimony shows that the present water production and distribution facilities are wholly inadequate and have at no time been able to provide a satisfactory or proper service to the consumers. Mr. Cupp has agreed that in the event a certificate is granted to him he will install immediately a complete new distribution system of adequate carrying capacity which will be connected immediately to and supplied from the above-mentioned Bel-Air Tract water plant. Under the circumstances a certificate cannot be granted to Mr. Cupp covering the Joseph F. Siino Subdivision. A certificate, however, will be granted when he has installed therein proper distribution facilities with mains not less than 4 inches internal diameter, capable of providing satisfactory service to all residents of the tract, such system and

the installation thereof to be subject to the approval of the Railroad Commission.

That portion of the Bel-Air Tract requiring water service at the present time apparently is receiving good service through existing facilities. A report of J. C. Luthin, one of the Commission's engineers, shows that the water system in this real estate project was installed at an original cost of \$4,165, as of May 2, 1940. There are certain sections of this subdivision, however, which have not as yet been built upon and do not require service of water at this time. However, there will be in the near future a demand for water throughout the entire tract. Mr. Cupp will complete the distribution system in this area by the installation of additional mains not less than 4 inches in internal diameter, together with the necessary facilities to increase the pressure by booster pumping plants or otherwise, in the southerly section thereof which is considerably higher in elevation than other portions of the tract.

Applicant has obtained the necessary permission from the Board of Supervisors of the County of Contra Costa for the installation and maintenance of pipe lines in, on, upon and across all county roads, streets, and alleys within the requested certificated areas.

The rates requested in this proceeding are the same rates as heretofore granted to Mr. Cupp to be charged by his utility water works operating in the adjacent Orbisonia Heights Subdivision. These rates appearing to be fair and reasonable for the service to be rendered in the areas in which a certificate is requested herein, will be authorized in the following Order. No further objection having been made, a certificate will be granted subject to the terms and conditions indicated in this Opinion.

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 Elmer L. Cupp in that portion of Contra Costa County known as Bel-Air Tract, as shown on a map filed with the County Recorder in Volume 23 of Maps on pages 730 and 731, and Blocks 1, 2, 3 and 4 of the Joseph Sino Subdivision, as shown on a map filed with the County Recorder in Volume 21 of Maps on page 590, and as also shown on a map of these two tracts which is attached to the application herein marked "Exhibit A," and made a part hereof by reference, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Elmer L. Cupp to operate a public utility for the sale and distribution of water within Bel-Air Tract as hereinabove described.

IT IS HEREBY FURTHER ORDERED that upon a proper showing a certificate of public convenience and necessity will be granted by supplemental order of this Commission to Elmer L. Cupp to operate a public utility for the sale and distribution of water within Blocks 1, 2, 3 and 4 of the Joseph Sino Subdivision as hereinabove described, when a water works has been installed therein and is in operation in a manner satisfactory to and approved by the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that Elmer L. Cupp be and he is hereby authorized and directed to file in quadruplicate 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 his consumers in Bel-Air Tract subsequent to the 30th day of June, 1940:

FLAT RATES

- | | |
|---|--------|
| (1) Residence, per month..... | \$1.75 |
| (2) For each additional residence on same premises occupied by a tenant, per month..... | 1.00 |

A meter may be installed on any service at the option of either the consumer or the utility, in which case there will be applied the following:

METER RATES

Monthly Minimum Charges:

5/8-inch meter.....	\$1.75
1-inch meter.....	2.50
1-1/2-inch meter.....	3.75
2-inch meter.....	5.00

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:

For 500 cubic feet, or less.....	\$1.75
Next 500 cubic feet, per 100 cubic feet.....	.20
All over 1,000 cubic feet, per 100 cubic feet.....	.15

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IT IS HEREBY FURTHER ORDERED as follows:

- (1) That within thirty (30) days from the date of this Order, Elmer L. Cupp be and he is hereby directed to submit to this Commission for its approval four sets of rules and regulations governing relations with his consumers, each set of which shall contain a suitable map or sketch, drawn to an indicated scale upon a sheet 8-1/2" 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.

- (2) That Elmer L. Cupp 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 tracts 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.
- (3) That within ninety (90) days from the date of this Order, Elmer L. Cupp be and he is hereby directed to file with this Commission an affidavit to the effect that he will never claim before this Commission or any other public body an amount in excess of the actual cost of acquiring the certificate of public convenience and necessity granted herein.

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 25th day of June, 1940.

W. L. Riley
Frank R. Kelly
W. H. ...
H. ...

COMMISSIONERS.