

Decision No. 23605

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of LEO F. JARVIS for a certificate
of public convenience and necessity
to operate a public utility water
system.

Application No. 23605

ORIGINAL

Iener W. Nielson, for Applicant.

City of Fresno, by C. M. Ozias, City
Attorney, and Jean L. Vincenz,
Commissioner of Public Works, Protestant.

WAKESFIELD, Commissioner.

O P I N I O N

In this proceeding, Leo F. Jarvis asks the Railroad Commission for a certificate of public convenience and necessity to operate a public utility for the purpose of furnishing water for domestic and other uses to inhabitants of Jarvis Subdivision located north of Clinton Avenue at West Avenue, northwest of the City of Fresno, in unincorporated territory, Fresno County, California. The Commission is also asked to establish a schedule of rates for the service to be rendered.

A public hearing in this matter was held at Fresno.

Leo F. Jarvis, an individual, is the owner and subdivider of a portion of Jarvis Subdivision, and is the owner of the water system installed to supply the whole of said subdivision.

The water supply is obtained from a ten-inch diameter well 140 feet deep, cased for its full depth and equipped with a 10 horse-power electric motor directly connected to a six-inch turbine pump discharging into a 3,000-gallon pressure tank. Seven hundred feet

of four-inch welded steel casing, on which eighteen service connections were attached at the time of installation, constituted the distribution system on September 1, 1940. The testimony showed the actual cost of these physical properties was \$2,454.44, not including any allowance for the personal service of Mr. Jarvis, for which he testified he will never claim any compensation. The existing distribution pipe lines have been laid under permit issued by the Board of Supervisors of the County of Fresno, State of California, and future entrance upon the dedicated streets for the purpose of laying, maintaining and operating pipe lines will be made under similar permits issued on or about the time of installation.

The applicant testified that he is financially able and willing to build the recognized necessary additional distribution system and other facilities to adequately serve the 85 lots suitable for residences within the subdivision. Residences under construction at the time of the hearing are located on the existing distribution pipe lines and would require service on or about October 1, 1940.

The City of Fresno entered a protest to the granting of the application, contending that it was not logical to form a public utility in close proximity to the City's corporate limits; that an annexation petition was then circulating to extend the city limits to within 2250 feet of the Jarvis Subdivision; that the City has a well at Fruit Street and Yale Avenue 2900 feet from the Subdivision; that if and when this Subdivision should be annexed as a part of the City of Fresno, the Jarvis well would be inadequate as to size and capacity; and, that no part of the distribution system installed by Jarvis could be used by the City as part of its own distribution system.

Protestant entered in the evidence a proposed contract between the City of Fresno and Mr. Jarvis whereby the City would pipe the entire subdivision with four-inch and ten-inch cast iron

pipe, at an estimated total cost of \$4,442.00, and would build a ten-inch cast iron transmission line from its existing ten-inch water main in West Avenue, a distance of 2660 feet, at a total cost of \$6,471.00, requiring that Mr. Jarvis deposit with the City the sum of \$10,913.00 which would be refunded at the rate of \$75.00 per service connection in the following manner: the first installment of \$25.00 becoming due upon the date the City made connection to the consumer's premises, the second and third installments being refunded at the end of the consecutive twelve-month intervals, and that such refunds would be made for each connection including individual consumer connections made to the 2660-foot transmission main during a ten-year period dating from the completion of the installation.

The testimony indicated that the City of Fresno might share the expense of the ten-inch cast iron transmission main with Mr. Jarvis, and time has been allowed following the hearing for agreement between the applicant herein and the City of Fresno. It now appears that no such agreement can be consummated.

Applicant requested a flat rate of \$2.50 per month for each 3/4-inch service connection, but testified that he had no basis for this rate and would leave the establishment of a reasonable rate to the discretion of the Commission. The rate hereinafter established is a trial rate based, in so far as possible, upon rates prevailing in the immediate territory.

The evidence submitted indicates that applicant is financially able to make additions and improvements as needed and that it is for the best interests of residents of Jarvis Subdivision that a certificate of public convenience and necessity 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 the operation of a water system by Leo F. Jarvis in Jarvis Subdivision comprising about twenty (20) acres situate northwest of the City of Fresno, County of Fresno, which territory is more particularly described as follows:

Being the subdivision of Lot 127 of Roeding's Villa Colony, excepting therefrom the south half of the south half of the east half thereof, and the subdivision of that portion of Lot 113 of Montpollier Tract described as follows, to-wit: Beginning at the southwest corner of said Lot 113; thence east, along the south line of said lot, 360.09 feet; thence northerly to a point in the north line of said lot, 359.49 feet east from the northwest corner thereof; thence west, along the north line of said lot, 359.49 feet to the northwest corner of said lot; thence south, along the west line of said lot, to the point of beginning, all within Sections 29 and 30, Township 13 south, Range 20 east, M.D.B. & M., and recorded in Volume 12 of Plats at page 8, Fresno County Records.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and it is hereby granted to Leo F. Jarvis to operate a public utility for the sale and distribution of water within the territory hereinbefore described.

IT IS HEREBY FURTHER ORDERED that Leo F. Jarvis 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 to his consumers subsequent to the 31st day of October, 1940, which schedule of rates is hereby found to be just and reasonable for the service to be rendered:

RATE SCHEDULE

FLAT RATES

Residence on one lot, with 3/4-inch service connection \$2.00 per month

IT IS HEREBY FURTHER ORDERED that Leo F. Jarvis be, and he is hereby directed as follows:

1. Within thirty (30) days from the date of this Order, to submit to this Commission for its approval, quadruplicate 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 approximately 8 1/2 x 11 inches in size, delineating thereupon in distinctive markings the boundaries of the authorized service area; provided, 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. Within sixty (60) days from the date of this Order, to file with this Commission 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 correctly by appropriate markings the various tracts of land 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. Within sixty (60) days from the date of this Order, 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 for the certificate of public convenience and necessity granted herein in excess of the actual cost of acquiring it.

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 29th day
of October, 1940.

Ray & Wiley
Franklin
W. W. ...
H. Baker
Justin J. Casner
Commissioners.