

Decision No. 23735

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

<p>In the Matter of the Application of R. V. EARLE, and GRACE V. EARLE, for a Certificate of Public Convenience and Necessity and Establishment of Rates for Water Service for West Lane Heights Sub-Division, in Stockton.</p>)
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Application No. 23735

Herbert C. Coblentz, for Applicants.

BY THE COMMISSION:

O P I N I O N

In this proceeding Rolland V. Earle and Grace V. Earle, his wife, ask the Railroad Commission for a certificate of public convenience and necessity to operate a public utility under the fictitious firm name of West Lane Heights Water Company for the purpose of furnishing water for domestic and other uses to the inhabitants of West Lane Heights Subdivision and adjacent territory located about two miles north of the City of Stockton, San Joaquin County, California, and also request the fixing of the rates to be charged for the water service to be rendered.

A public hearing in this matter was held in Stockton before Examiner Steve.

West Lane Heights Subdivision, consisting of about 27 acres, has been subdivided by Applicants into 120 lots with frontages varying from 51 to 70 feet. The streets of the subdivision have been dedicated to public use together with easements along the rear of all lots for the use of public utilities.

In this tract there are now 21 houses and one store. Approximately one-half of the homes are already occupied and obtain water from individual wells with pressure systems and the other half consists of new houses, just finished or in the process of construction, which will depend upon the public utility water works for supply.

A partly subdivided area of about 16 acres, adjoining West Lane Heights on the east and including West Lane Park, previously marketed by Applicants, contains a considerable number of homes, all of which are now supplied with water from private wells. However, there is still much vacant property and there is no central distribution system in this area, bounded on the east by tracks of the Southern Pacific Railroad. At the hearing, Mr. Berlo amended the application by asking that the certificate be made to include the area just described and, also, other unsubdivided lands comprising about 31 acres located southerly and adjoining West Lane Heights and West Lane Park. The design of the distribution system, which has already been installed to serve West Lane Heights, is such that it can easily be extended eastward to serve the additional 16 acres from the present well but the existing facilities are not adequate to serve the additional 31-acre area. In the Order which follows this Opinion, therefore, the certificate of public convenience and necessity will include West Lane Heights and all the area between that subdivision and the Southern Pacific Railroad tracks, but it will exclude the unsubdivided lands to the south.

The source of water supply is a drilled well 145 foot deep with 45 feet of 10-inch casing. A deep-well turbine pump, driven by a 7½-horsepower electric motor, delivers the water into a 3600-gallon steel storage tank at pressures between 30 and 45

pounds per square inch. From the pressure tank, the water is distributed through 960 feet of 4-inch O.D. casing and 2,200 feet of 2-inch standard black pipe. Provision has been made for 3/4-inch services to 70 lots with services actually connected to 11 premises, although water service is now being rendered to only one residence. There are no meters and Applicants do not contemplate installing meters on any of the services unless their use becomes necessary to discourage careless and wasteful use of water. To provide for this contingency, at the hearing Mr. Earle asked that his application be amended to include a request for the establishment of a schedule of meter rates.

The application states that the total cost of the installation of the system, as constituted at present, was \$3,057. At the hearing, a report was presented by E. R. Foster, one of the Commission's hydraulic engineers, containing a detailed appraisal of the properties on the basis of the estimated original cost at \$3,625 as of November 8, 1940, and showing the corresponding depreciation annuity to be \$63.46, computed by the sinking fund method at 5 per cent. There was presented no estimate of the anticipated annual revenues or maintenance and operation expenses. The rates established in the following Order will, therefore, be based upon the experience of other water utilities of comparable size and character operating in near-by localities under conditions similar to those existing in the area to be served by Applicants.

Mr. William T. Ingram, sanitary engineer for the San Joaquin Local Health District, testified that he had made recommendations concerning the location of the well and the design of the water works, which recommendations have been followed by Mr. Earle. He further stated that although tests of samples of the water taken

in September and October had not been satisfactory, he believed the contamination was due to the new pipes and jointing compounds, which condition had been remedied by chlorination so that all danger is now past. His duties will include the continuance of tests to safeguard the health of the community served from this system. Mr. Ingram recommended the installation of a duplicate well with pumping unit for emergency, stand-by use, although it was his opinion that the present pumping plant is adequate for the immediate future.

From the evidence submitted, it appears that Applicant is financially able to make additions and improvements as needed; that in the operation of said system, Applicants will compete with no person, firm or corporation in serving this area with water; and, that it is for the best interests of this community 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 Rolland V. Earle and Grace V. Earle, his wife, under the fictitious firm name of West Lane Heights Water Company, in West Lane Heights Subdivision and in the adjoining area east thereof bounded on the east by the right of way of the Southern Pacific Railroad which includes West Lane Park and certain unsubdivided property, which territory is located approxi-

mately two miles north of the center of the City of Stockton, in San Joaquin County, as shown on the maps marked Exhibits No. 1 and No. 4, filed in this proceeding, and which are hereby made a part of this Order by reference, and which territory is more particularly described as follows:

Beginning at the point where the center line of Calaveras Avenue intersects the easterly line of the right of way of the Western Pacific Railroad Company, thence proceeding easterly along the center line of said Calaveras Avenue and its extension a distance of 1800 feet, more or less, to the westerly boundary of the right of way of the Southern Pacific Company; thence southerly along the westerly boundary of said Southern Pacific right of way a distance of 1200 feet, more or less, to the center line of Alpine Avenue; thence westerly along the center line of said Alpine Avenue a distance of 1450 feet, more or less, to the easterly line of the right of way of the Western Pacific Railroad Company; thence northerly along the easterly line of the said Western Pacific right of way a distance of 1150 feet, more or less, to the point of beginning; the territory thus bounded comprising an area of approximately 43 acres.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Rolland V. Earle and Grace V. Earle, his wife, to operate a public utility under the fictitious firm name of West Lane Heights Water Company for the sale and distribution of water within the territory hereinbefore described.

IT IS HEREBY FURTHER ORDERED that Rolland V. Earle and Grace V. Earle, his wife, operating under the fictitious firm name of West Lane Heights Water Company, 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 31st day of December, 1940, which schedule of rates is hereby found to be just and reasonable for the service to be rendered:

RATE SCHEDULEFlat Rates

	<u>Per Month</u>
1. For one dwelling, house, flat, apartment, or other single unit of six (6) rooms, or less, and bathroom, including reasonable and necessary quantities of water for an irrigated area of not over 3,000 square feet of lawns, gardens, shrubbery and trees	\$1.75
2. For each additional dwelling unit of six (6) rooms, or less, and bathroom, taking service through same connection	1.00
3. For each additional room over six (6) in any dwelling unit	0.10
4. For irrigation of grounds planted to lawns, gardens, shrubbery and trees in excess of the 3,000 square feet included in dwelling rate, per 100 square feet, payable each month of the year	0.02
5. For each public hall, lodge room or church	1.50
6. For each retail store or market	1.75
7. For each barber shop, for single chair	1.25
For each additional chair in use	0.25
8. For each doctor's or dentist's office, consisting of not more than two rooms with water service	1.50
For each additional room with water service	0.50
9. For each restaurant and cafe, at 10 cents per unit of seating capacity, minimum charge	2.00
10. For each garage, service station, drug store, soft drink parlors or other business establishment, according to expected use of water, minimum charge	3.00

RATE SCHEDULE

Flat Rates Contd.

Per Month

11. For each window-box type air cooling unit, in addition to regular flat rates, a charge will be made during months of use which will be considered as the months of June, July, August and September, except where the consumer notifies the Company as to the months during the above period in which the unit will not be in service, provided the unit is disconnected during such months, subject to inspection by Company representatives.

Water-wasting or noncirculating type ... \$0.40

Water-saving or circulating type 0.20

12. Auto courts and camps or combination uses not otherwise classifiable to be charged for water at metered rates...

METERED RATES

Minimum Monthly Charges:

For 5/8 x 3/4-inch meter	\$1.75
For 3/4 " "	2.50
For 1 " "	3.50
For 1-1/2 " "	5.00
For 2 " "	7.00

Each of the foregoing "Minimum Monthly Charges" will entitle the consumer to the quantity of water which that minimum monthly charge will purchase at the following "Monthly Quantity Rates:"

Monthly Quantity Rates:

First	700 cubic feet, or less	\$1.75
Next	1,800 " " per 100 cu.ft.20
Next	3,500 " " " 100 " "15
Next	54,000 " " " 100 " "10
All over	60,000 " " " 100 " "05

A meter may be installed on any service at the option of either the consumer or the utility.

IT IS HEREBY FURTHER ORDERED that Rolland V. Earle and Grace V. Earle, his wife, operating under the fictitious firm name of West Lane Heights Water Company, be and they are 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 their consumers, each set of which shall contain a suitable map or sketch, drawn to an indicated scale upon a sheet approximately 8 $\frac{1}{2}$ 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 include 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 they 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.

Dated at San Francisco, California, this
10th day of December, 1940.

Ray & Carey
Franklin
W. H. Baker
Justus F. Cameron
Commissioners.