

Decision No. 23807

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of Lois V. Wilson, doing business
as CHAPEL CITY WATER COMPANY, for
a certificate of Public Convenience
and Necessity to operate a public
utility water system.

Application No. 23807

ORIGINAL

H. F. Orr, of Sheridan, Orr, Betes and Barnes,
for Applicant.

Frederick A. Zitkowski, for Camarillo Water
Company, Protestant.

RILEY, COMMISSIONER:

O P I N I O N

Lois V. Wilson, operating under the fictitious firm name and style of Chapel City Water Company, asks for a certificate of public convenience and necessity to supply water as a public utility for domestic and other purposes within that certain parcel of land designated as Lot 1 of the Rancho Calleguas at Camarillo in Ventura County.

A public hearing in this matter was held at Ventura.

The evidence shows that Applicant purchased 18 acres of the 120.98 acres comprising Lot 1 of Rancho Calleguas, and, in addition, obtained an option to purchase the remaining acreage. The 18-acre parcel was subdivided and called Rancho Calleguas Gardens Tract No. 1 and adjoins the southwesterly section of the unincorporated Town of Camarillo.

In October of 1940, Lois V. Wilson commenced the construction and installation of a water system to supply this 18-acre tract. There is completed at present about 4,000 feet of mains, 4 and 6 inches in diameter, to which are attached 64 service connections, one for each lot in the subdivision, and 4 fire hydrants. Water is now being obtained under contract from two wells on the adjoining Lot No. 2 of Rancho Calleguas; however, it is Applicant's intention to develop her own water supply as soon as possible and to this end she has contracted for the drilling of a well and for the installation of a pumping plant and storage facilities to provide an independent source of water. In addition, the mains for the piping of that portion of said Lot No. 1, under option to purchase, have already been delivered and are awaiting installation.

A report was presented by Everett L. Clark, one of the Commission's hydraulic engineers, which sets forth the original cost of the distribution mains and service connections in place, as of December 17, 1940, to be \$3,430. This report indicated that there is ample ground water available generally throughout this territory and that, although the water has a characteristic high degree of hardness, it is entirely wholesome and potable and not contaminated in any way or detrimental to public health.

On the 17th of December, the Board of Supervisors of the County of Ventura passed and adopted Ordinance No. 342, granting to Lois V. Wilson a franchise and privilege for a period of fifty years to lay, construct, maintain and operate pipe lines in, on and across all public streets, roadways, etc., within the area of service as requested herein.

A protest against the granting of this application was made by Frederick A. Zitkowski, representing K. Dizdar, owner of the Camarillo Water Company, a public utility selling and distributing water in the Town of Camarillo. The evidence shows that Lois V. Wilson applied to Mr. Dizdar for the extension of water service to her subdivided tract to be made under and in accordance with the established rules and regulations of the Camarillo Water Company. This extension was refused repeatedly with the result that Lois V. Wilson was compelled to provide her own water distribution facilities to protect her investment and the interests of the purchasers of lots in said Gardens Tract No. 1. It is obvious that Protestant appears in this proceeding with unclean hands and it is also equally clear that public convenience and necessity require and will require the operation of a water system by Lois V. Wilson in the area applied for herein.

The schedule of rates suggested by Applicant does not conform entirely with the general rate structure usually approved by this Commission for water systems of this type. With a few minor modifications, however, the rate schedule will be acceptable and will follow the current standard practice.

The following form of Order is suggested.

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 Lois V. Wilson, doing business under the fictitious firm name and style of Chapel City Water Company, within that territory described as all of Lot 1 of Rancho Calleguas, said territory being adjacent to and southwest of the unincorporated Town of Camarillo, in the County of Ventura, State of California.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and it is hereby granted to Lois V. Wilson, doing business under the fictitious firm name and style of Chapel City Water Company, to operate a public utility for the sale and distribution of water within the territory hereinabove described.

IT IS HEREBY FURTHER ORDERED that Lois V. Wilson, doing business under the fictitious firm name and style of Chapel City Water Company, be and she 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 her consumers subsequent to the 31st day of March, 1941, which schedule of rates is hereby found to be just and reasonable for the service to be rendered:

FLAT RATES

	<u>Per Month</u>
Single Family	\$1.75
Each Apartment	1.25
Motel - per unit50

METER RATES

Minimum Monthly Charges:

For 5/8 inch meter	\$1.50
For 3/4 " "	2.00
For 1 " "	3.00
For 1-1/2 " "	4.00
For 2 " "	5.50
For 3 " "	8.00
For 4 " "	12.00

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 600 cubic feet, per 100 cubic feet	\$0.25
Next 400 " " " 100 " "	.20
Next 8,000 " " " 100 " "	.15
Over 9,000 " " " 100 " "	.10

IT IS HEREBY FURTHER ORDERED that Lois V. Wilson, doing business under the fictitious firm name and style of Chapel City Water Company be, and she 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 her 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 a 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 she 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 acquisition.

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 March, 1941.

[Signature]
[Signature]
[Signature]
 Commissioners.