

ORIGINAL

Decision No. 34109

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ERNEST THIRY and CALIFORNIA WATER SERVICE COMPANY, a corporation, for (1) an order authorizing the transfer from Ernest Thiry to California Water Service Company of the water system now serving Belvedere Addition and the Westerly Extension of Belvedere Addition to the City of Stockton, and (2) a certificate that public convenience and necessity require the extension of the plant and system of California Water Service Company now serving water to the City of Stockton and vicinity to Belvedere Addition and the Westerly Extension of Belvedere Addition.

Application No. 23861

Carl F. Mau, for Applicants.

William I. Ingram, for San Joaquin
Local Health District.

BY THE COMMISSION:

O P I N I O N

Since about 1918, Mr. Ernest Thiry has been operating a water system serving Belvedere Addition and the Westerly Extension of Belvedere Addition, two contiguous subdivisions located at a distance of about two miles northeast of the center of the City of Stockton in San Joaquin County. California Water Service Company is a public utility corporation engaged in the business of selling and distributing water for domestic and other purposes in various cities in the State of California including the City of Stockton. In this proceeding, Ernest Thiry and California Water Service

Company (*) jointly make application as entitled above, requesting the Railroad Commission (1) to authorize Ernest Thiry to convey to the Company the properties and system now serving water to Belvedere Addition and the Westerly Extension of Belvedere Addition, which said water system is commonly known as "The Belvedere Water Co.", and (2) to certify that public convenience and necessity require the extension of the Company's plant and system to serve said subdivisions with water at the rates and subject to the rules and regulations of said applicant now in force in the City of Stockton, or that may be in force therein hereafter.

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

The plant and equipment pertaining to The Belvedere Water Co. were originally installed about 1912 to supply water for domestic use to residents of Belvedere Addition and the Westerly Extension thereof, two small tracts comprising about 17-1/2 acres located south of Waterloo Road and west of "F" Street (or Willow Avenue) approximately three-eighths of a mile east and five-eighths of a mile north of the corporate limits of the City of Stockton. Water for the system is pumped from a 10-inch cased well, originally 150 feet deep but now only 48 feet deep, located on the westerly 25 feet of Lot 2, Block 4 of Belvedere Addition, and delivered into a 1,000-gallon steel pressure tank. The distribution system consists of approximately 3,680 feet of 2-inch and 3-inch mains. There are now about 29 active services on the system, none of which are metered. Ernest Thiry has entered into an agreement with the applicant company to sell the said water system for \$1,300.

A report was presented at the hearing by E. R. Foster, one of the Commission's hydraulic engineers, containing a detailed

(*) Hereinafter generally referred to as the Company.

appraisal of the water works now owned by Mr. Thiry on the basis of the estimated original cost as of December 31, 1940. The evidence indicates that the estimated original cost of the existing used and useful properties of The Belvedere Water Co. totals \$2,528 as of December 31, 1940.

The Company serves water to the entire City of Stockton and vicinity and has adequate facilities for the furnishing of water for all purposes including that of fire protection, which Mr. Thiry's plant does not afford. The Company already has a 6-inch main reaching to the intersection of "E" and Vine Streets, which is only 550 feet south of the nearest mains of the Belvedere system. This applicant has declared its intention of extending its 6-inch main to connect with the Thiry system at an early date in the event the transfer is made. It will also place meters on all services in the Belvedere subdivisions since the Company serves water on a metered basis. Following is the schedule of rates for water delivered on a measured basis, effective since May 1, 1940, in the Stockton system of the Company and which it is proposed to apply in the Belvedere Additions:

METERED GENERAL SERVICE

This schedule is applicable to water service used for domestic, commercial, industrial, irrigation and metered municipal purposes in the entire area served by the Company in its Stockton District.

Minimum Charge: The monthly minimum charge applicable to this service is designated by the following meter sizes:

Meter size 1 inch or less	\$1.00 per month
Meter size 1-1/2 inch	1.50 per month
Meter size 2 inch	2.00 per month
Meter size 3 inch	3.00 per month
Meter size 4 inch	4.00 per month
Meter size 6 inch	6.00 per month
Meter size 8 inch	8.00 per month

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:

"Rate A" shall apply to water used in the months of January, February, March, October, November and December of each calendar year.

First	600 cu.ft.	\$1.00
Next	1,900 cu.ft.	at \$0.185 per 100 cu.ft.	
Next	3,500 cu.ft.	at .115 per 100 cu.ft.	
Next	34,000 cu.ft.	at .070 per 100 cu.ft.	
Next	20,000 cu.ft.	at .065 per 100 cu.ft.	
Over	60,000 cu.ft.	at .045 per 100 cu.ft.	

"Rate B" shall apply to water used in the months of April, May, June, July, August and September of each calendar year.

First	600 cu.ft.	\$1.00
Next	1,900 cu.ft.	at \$0.115 per 100 cu.ft.	
Next	3,500 cu.ft.	at .095 per 100 cu.ft.	
Next	34,000 cu.ft.	at .070 per 100 cu.ft.	
Next	20,000 cu.ft.	at .065 per 100 cu.ft.	
Over	60,000 cu.ft.	at .045 per 100 cu.ft.	

At the present time, all consumers of The Belvedere Water Co. are charged on the flat rate basis of \$1.50 per month throughout the year. Comparison of charges which have been made to residents of the Belvedere Additions on the basis of the flat rates now in effect with the above meter rates, discloses that a consumer would be charged more than \$1.50 per month whenever his monthly consumption of water is greater than 870 cubic feet for any of the winter months of October to March, inclusive, or over 1,035 cubic feet for any of the summer months of April to September, inclusive. However, for monthly consumptions of water less than those respective quantities, the consumer would be charged less than the \$1.50 per month now paid. It appears that on the basis of the Company's rates, the average annual charges to the consumer

should be less than if the existing flat rates were continued in effect.

Mr. William T. Ingram, Sanitary Engineer for the San Joaquin Local Health District, testified to the effect that tests made during the course of more than a year last past have indicated that the well now used to supply water in the Belvedere Additions is subject to surface contamination which is dangerous to public health. Representatives of the Company testified that as soon as interconnection of the two systems shall have been effected, all pumping of water from this well into the system will be discontinued, at least until after the necessary improvements have been made to the well to render the water entirely safe for human consumption.

From the evidence, it appears that the inhabitants of the Belvedere Additions will receive from the Company a more dependable supply of water of good quality, at a considerably higher pressure than at present. The static pressure of between 40 and 45 pounds per square inch normally existing in the Company's system, together with large water mains, will afford fire protection service not now available to this district. It therefore appears to be in the public interest to authorize the transfer of property to the Company and to grant it a certificate of public convenience and necessity to operate a water system in the above described territory.

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,

IT IS HEREBY ORDERED that Ernest Thiry, operating under the fictitious firm name and style of The Belvedere Water Co., be and he is hereby authorized to transfer to California Water Service Company, a corporation, his right, title and interest in and to the water works and system used by him in supplying water to Belvedere Addition and the Westerly Extension of Belvedere Addition near the City of Stockton, San Joaquin County, substantially in accordance with the terms and conditions contained in that certain letter dated November 1, 1940, marked Exhibit "A," attached to the application herein and made a part of this Order by reference, and that thereupon said Ernest Thiry be and he is hereby relieved of all further public utility obligations and liabilities in connection with said water works and system, subject to the following terms and conditions:

1. The authorization herein granted shall apply only to such transfer as shall have been made on or before the 30th day of June, 1941, and on or before that date a certified copy of the final instrument or instruments of conveyance shall be filed with this Commission by Ernest Thiry.
2. Within ten (10) days from the date on which said Ernest Thiry actually relinquishes control and possession of the property herein authorized to be transferred, he shall file with this Commission a certified statement indicating the date upon which such control and possession were relinquished.
3. On or before the 30th day of June, 1941, Ernest Thiry shall refund to such consumers as may be entitled thereto all amounts, if any, deposited for main extensions, meter or service connections, and for any other purpose, and not later than said date he shall file with this Commission a certified statement to the effect that all such refunds, if any, have been duly made.

4. The consideration for the transfer herein authorized shall not be argued before this Commission or any other public body as a finding of value for rate fixing or any purpose other than the transfer herein authorized.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require and will require that California Water Service Company, a corporation, extend its plant and system, now supplying the City of Stockton and the vicinity thereof, to serve water for domestic and other purposes in the areas commonly known as Belvedere Addition and the Westerly Extension of Belvedere Addition, said territory being delineated upon that certain map marked Exhibit "C" attached to the application herein and which is hereby made a part of this Order by reference; and

IT IS HEREBY FURTHER ORDERED that a certificate of public convenience and necessity be and it is hereby granted to said California Water Service Company to operate a water system in the territory described above.

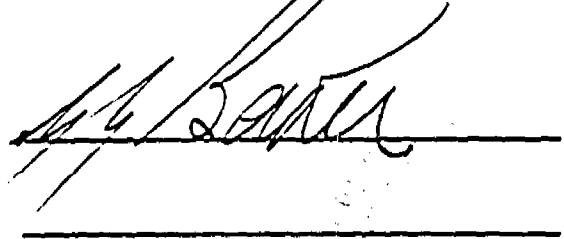
IT IS HEREBY FURTHER ORDERED that on and after the date upon which the California Water Service Company acquires possession and control of the property hereinabove authorized to be transferred, the water service to be rendered by said Company in the Belvedere Addition and the Westerly Extension of Belvedere Addition now being served by Ernest Thiry shall be at the identical rates and subject to the same rules and regulations of said Company as those now in effect in its Stockton District, or that may hereafter from time to time be put into effect therein.

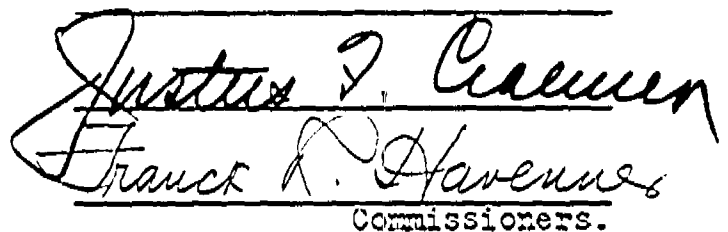
IT IS HEREBY FURTHER ORDERED that California Water Service Company be and it is hereby directed as follows:

1. Within thirty (30) days from the date of this Order, to file with this Commission quintuplicate copies of a suitable map or sketch, drawn to an indicated scale upon a sheet approximately 8½ x 11 inches in size, delineating thereupon in distinctive markings the boundaries of the service area herein certificated and the location thereof with reference to the surrounding territory; 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 five copies of a comprehensive map drawn to an indicated scale of not less than 600 feet to the inch, upon which shall be delineated correctly by appropriate markings the entire area served by the utility in its Stockton District. 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 included in the entire utility area of service, including the territory herein certificated.

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 14th day of April, 1941.




Justice J. Calver
Francis R. Havens
Commissioners.