

Decision No. 38907

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 THEODORE F. MARTIN for certificate of
 public convenience and necessity
 authorizing him to operate a water
 system to serve consumers residing
 in the subdivisions of Pinewood
 Heights and Bartlett Tract, located
 on the South shore of Lake Tahoe,
 El Dorado County, California.

ORIGINAL

Application No. 27233

Louis Bartlett, for Applicant.

OPINION

Theodore F. Martin has applied to the Railroad Commission for a certificate of public convenience and necessity to operate a public utility water system to serve consumers residing in two adjoining subdivisions known as Pinewood Heights and Bartlett Tract, located about three-quarters of a mile southerly of the southeastern shore of Lake Tahoe near the California-Nevada State Line, in Section 34, T. 13 N., R. 18 E., M.D.B. & M., in the County of El Dorado. He also asks permission to issue a note for not more than \$5,000 and execute a deed of trust to secure the payment of the note.

A public hearing in this proceeding was held in San Francisco before Examiner MacKall.

Pinewood Heights and Bartlett Tract have been subdivided recently by Louis Bartlett. The Bartlett Tract has been approved by the Real Estate Commission of the State of California and lots are now on sale to the general public. Final approval for the sale of lots in Pinewood Heights will be requested from the Real Estate Commission as soon as applicant receives a certificate of public convenience and necessity to operate a water system serving the property. At present there are

no dwellings or other building on either of these subdivisions.

The water supply for this system will be obtained from a 6-inch drilled well located on Lot 5, Block 5, in Pinewood Heights. A drilling contract already has been let but actual drilling has been held up because of recent heavy snowfall. The well will be equipped with a new electrically-driven pump and an automatically-controlled pressure tank. This tank will have a capacity of 500 gallons and will operate at working pressures of 32 and 45 pounds per square inch and will be replaced with one of larger capacity as conditions demand. Water will be furnished to the consumers in the two tracts through approximately 8,000 feet of secondhand 2-inch dipped pipe and 687 feet of new 4-inch slip-joint welded pipe. The cost of the complete system for initial operation is estimated by applicant to be \$10,000.

Mr. Martin has obtained permission from the County of El Dorado to construct and maintain pipe lines within the boundaries of Pinewood Heights and Bartlett Tract. No county franchise appears necessary at this time.

The schedule of rates proposed for water service in these tracts is the same schedule that was fixed last year for the public utility waterworks serving in the nearby subdivision of Bijou Pines where, except for the more rolling nature of the terrain in applicant's service area, the general conditions are quite similar. The requested rates, therefore, will be established in the following Order.

The testimony presented shows that the small diameter (6-inch) of the proposed well, together with the predominantly large amount of 2-inch distribution pipe already installed, very probably will result in an insufficient water supply and inadequate water pressures and deliveries when any considerable number of homes have been constructed and occupied in these subdivisions. Applicant has assured the Commission that larger feeder mains will be installed whenever necessary to meet the demand. Mr. Bartlett stated that there are several locations in each subdivision where the lands are water-bearing and additional wells can be readily drilled whenever conditions warrant. These lands at present are owned or controlled by Mr. Bartlett and will be made available to applicant for public utility use at no additional expense to him. In view of these assurances, the certificate of public

convenience and necessity will be granted.

Louis Bartlett and Mary Olney Bartlett, his wife, have agreed to loan Theodore F. Martin not exceeding \$5,000 to aid him in financing the acquisition and construction of the water properties. The loan is to be represented by a note, the principal of which is payable in annual installments of \$250, or more, beginning July 1, 1948. The note bears interest at the rate of six per cent per annum, payable monthly. The payment of the note will be secured by a deed of trust which will be a lien on the water system. A copy of the deed of trust is on file in this application. The Commission finds that the money, property or labor to be procured or paid for by the issuance of such promissory note and deed of trust is reasonably required for the purpose or purposes specified herein.

The certificate of public convenience and necessity issued herein is subject to the following provisions of law:

That the Commission shall have no power to authorize the capitalization of this certificate of public convenience and necessity or the right to own, operate or enjoy such certificate of public convenience and necessity in excess of the amount (exclusive of any tax or annual charge) actually paid to the State as the consideration for the issuance of such certificate of public convenience and necessity or right.

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 requires and will require the construction and operation of a public utility water system by Theodore F. Martin in the subdivisions known as Pinewood Heights and Bartlett Tract, located between Bijou and Lakeside in the southeasterly Lake Tahoe area in the County of El Dorado, California, and as more particularly delineated on that certain map filed as Exhibit No. 1 in this proceeding, which map is hereby made a part of this Order by reference.

IT IS HEREBY ORDERED as follows:

1. That a certificate of public convenience and necessity be and it is hereby granted to Theodore F. Martin to operate a public utility for the distribution and sale of water within the territory hereinbefore described.

2. That Theodore F. Martin is hereby authorized and directed to file in quadruplicate with this Commission, within thirty (30) days from the date of this Order, in conformity with the Commission's General Order No. 96, the following schedule of rates to be charged for all water service rendered to his customers, subsequent to the date of this Order, which schedule of rates is hereby found to be just and reasonable for the service to be rendered:

Schedule No. 1

GENERAL FLAT RATES

Applicability:

Applicable to all unmeasured water service.

Territory:

In Pinewood Heights and Bartlett Tract, Lake Tahoe, El Dorado County.

Rates:

Annual Seasonal Flat Rates:

Residential use, payable on or before May 1 of each year..... \$20.00
Service season from May 1 to October 31.

Schedule No. 2

GENERAL METER RATES

Applicability:

Applicable to all water service furnished through meters.

Territory:

In Pinewood Heights and Bartlett Tract, Lake Tahoe, El Dorado County.

Rates:

Annual Seasonal Charge:

Payable on or before May 1 of each year, entitling the consumer to 700 cubic feet of water each month for the period from May 1 to October 31..... \$20.00

Water used in excess of 700 cubic feet in each month is payable under the following Monthly Quantity Rates:

Monthly Quantity Rates:

First 700 cubic feet, included in annual seasonal charge.
Next 1,300 cubic feet, per 100 cubic feet..... \$0.25
Next 2,000 cubic feet, per 100 cubic feet..... .20
Over 4,000 cubic feet, per 100 cubic feet..... .175

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

3. That Theodore F. Martin, within thirty (30) days after the effective date of this Order, shall file 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 of about 8 1/2 x 11 inches in size, indicating thereon the service area and the location thereof with reference to the surrounding territory. Such filing shall not be construed as a determination or establishment, in whole or in part, of the dedicated area of service.
4. That Theodore F. Martin, within sixty (60) days after the effective date of this Order, shall file four copies of a comprehensive map or sketch, drawn to an indicated scale of not less than 400 feet to the inch, delineating correctly thereon, by appropriate markings, the various tracts of land in the territory served. Such 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 area of service. Such filing shall not be construed as a determination or establishment, in whole or in part, of the dedicated area of service.
5. Theodore F. Martin may, after the effective date hereof and on or before October 1, 1946, issue for the purpose of paying in part the cost of said water properties a note for the principal sum of not exceeding \$5,000, the principal of said note to be payable in annual installments of \$250 or more, beginning July 1, 1948, said note to bear interest at the rate of six percent per annum, payable monthly. To secure the payment of said note Theodore F. Martin may execute a deed of trust in form substantially the same as that on file in this application.
6. Theodore F. Martin shall file with the Commission within thirty (30) days after the issue of said note and the execution of said deed of trust a true and correct copy of said note and of said deed of trust.
7. The authority herein granted will become effective when Theodore F. Martin has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which minimum fee is Twenty-Five Dollars (\$25.00).

Dated at San Francisco, California, this 27th day of May, 1946.

Edward C. Anderson
Justin F. Calcester
Francis J. ...
Dean H. ...

COMMISSIONERS.

