

ORIGINAL

Decision No. 39425

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
B. F. Strock, doing business as
"BEN ALI WATER COMPANY," for an order
permitting her to extend service of
water as a public utility to territory
not now served by her.

Application No. 27413

Van Dyke and Harris, by Mr. Van Dyke, for Applicant.
O'Day and Kearns, by P. J. Kearns, for the
Premier Land and Development Company.

O P I N I O N

In this proceeding B. F. Strock, doing business as Ben Ali Water Company and engaged in the business of distributing and selling water in a subdivided area adjoining Ben Ali Station, Sacramento County, asks the Commission to grant her a certificate of public convenience and necessity to maintain and operate a public utility water system in an adjoining area.

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

The Commission in its Decision No. 31740, dated February 11, 1939, granted applicant a certificate to construct, maintain and operate a public utility water system in a 1,600-acre area described as follows:

Beginning at the point where El Camino Avenue intersects with 18th Street, as said avenue and street appear on that certain map filed with the Railroad Commission of the State of California on April 22, 1942, under Application No. 22398; thence northerly along said 18th Street to its intersection with Auburn Boulevard; thence northeasterly along said Auburn Boulevard to its intersection with Bell Street; thence southerly along said Bell Street to its intersection with Edison Avenue; thence northeasterly along said Edison Avenue to its intersection with Watt Avenue; thence southerly along Watt Avenue to its intersection with El Camino Avenue; thence westerly along El Camino Avenue to the point of beginning.

The area for which a certificate is requested comprises approximately 1,200 acres and adjoins the easterly boundary of the above-described territory. Both areas are delineated upon a map filed in this proceeding as Exhibit No. 5. The boundary of the entire area which applicant desires to serve is described as follows:

Beginning at the point where El Camino Avenue intersects with Watt Avenue; thence east along El Camino Avenue to its intersection with Mission Way; thence north along Mission Way to its intersection with Whitney Avenue; thence west along Whitney Avenue to its intersection with Watt Avenue; thence south on Watt Avenue to the point of the beginning.

Applicant intends to supply water for domestic purposes in the added service area in accordance with the rates, rules and regulations which are now on file with the Commission.

The record shows that there is a need for a public water system in the proposed service area. The Premier Land and Development Company is at present subdividing a tract comprising 101 acres and expects to erect some 200 homes. It has arranged with applicant for the installation of a water system to serve the subdivision. Mrs. Strock testified that she has received a number of inquiries concerning water service to tracts of land in the proposed area.

Applicant reports the total fixed capital as of December 31, 1945, to be \$35,720.55, the operating revenues and expenses for the year at \$11,101.64 and \$9,090.95, respectively, resulting in a net operating revenue of \$2,010.69. There were 393 customers being served at the end of the year, all supplied at flat rates.

Applicant was granted permission by the Sacramento County Board of Supervisors to lay, maintain and operate pipe lines for the transportation of water in, under, along and across all public highways within the boundaries specifically described in the permit. A copy of the permit is filed as Exhibit No. 3 herein. At the hearing applicant asked for authority to exercise the rights and privileges granted her by a permit issued by the Board of Supervisors of Sacramento County and dated May 20, 1946.

No other public utility water company operates in the proposed service area and no one appeared to protest the granting of the application. Under the circumstances, it appears to be in the public interest to grant the authority sought herein.

The certificate of public convenience and necessity granted herein is subject to the following provision of law:

"That the Commission shall have no power to authorize the capitalization of this 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 having been fully advised in the premises,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require and will require B. F. Strock, doing business as Ben Ali Water Company, to acquire, construct, maintain and operate a public utility water system in the area described in the foregoing Opinion and delineated upon the map filed in this proceeding as Exhibit No. 5.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to B. F. Strock, doing business as Ben Ali Water Company, for said purpose and to exercise the rights and privileges granted her by the Board of Supervisors of Sacramento by letter dated May 20, 1946, and filed in this proceeding as Exhibit No. 3.

IT IS HEREBY FURTHER ORDERED that B. F. Strock, doing business as Ben Ali Water Company, be and she is hereby authorized to serve with water the territory hereinabove described at the rates and subject to the rules and regulations as approved by the Railroad Commission in its Decision No. 35121, dated March 10, 1942.

The authority granted herein is effective upon the date hereof.

Dated at San Francisco, California, this 24th day of
September, 1946.

Harold P. Hub

Justus J. Calver

James Lowell

R. J. Anderson

Commissioners.