

Decision No. 39558

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 (1) C. C. JOHNSON for certificate of
 public convenience and necessity to
 sell, furnish, supply and distribute
 (2) water for domestic and commercial
 uses in Johnson Park, a subdivision,
 and land lying immediately adjacent
 thereof two and one-half miles
 northeast of Burney, in the County of
 Shasta, State of California.

ORIGINAL

Application No. 27664

Frank W. Shuman, for Applicant.

O P I N I O N

In this proceeding C. C. Johnson asks the Railroad Commission to grant him a certificate of public convenience and necessity to operate a public utility water system in a subdivision known as Johnson Park, and in adjacent unsubdivided land, located approximately two and one-half miles northeast of the town of Burney, Shasta County.

A public hearing in this matter was held in Burney before Examiner MacKall.

The area for which a certificate is requested is located in Section 3, T. 35 N., R. 3 E., M.D.B. & M., and is traversed by State Highway No. 299. The land is being subdivided to meet the demands of workers for homes in the community of Burney.

Johnson Park Tract has an area of approximately 100 acres and has recently been subdivided into 150 lots. The adjacent unsubdivided territory consists of approximately 380 acres of land and is owned by Mr. Johnson. This area will be subdivided by Mr. Johnson when the lots in the Park Tract have been sold and a further demand is made for additional building sites.

A water system was installed to aid in the sale of lots. Water is obtained from an eight-inch drilled well, 223 feet deep, in which is installed a deep-well centrifugal pump operated by a gasoline engine. The water is pumped into a 1,000-gallon pressure tank and then distributed through 1,200 feet of reclaimed heavy-duty four-inch tubing. Mr. Johnson plans to install an additional 2,800 feet of four-inch pipe, 2,000 feet of three-inch pipe in the distribution system and to erect a 10,000-gallon elevated tank to provide storage. He expects to operate the pump with a 10-horsepower electric motor and use the gasoline engine as a standby in the event of a power failure. Mr. Johnson estimates that the entire water system when completed will cost approximately \$12,500.

At the present time there are only seven residential consumers being served with water from the system at no charge. Applicant asks that a flat rate of \$2.00 per month be established for such service which is less than the rate being charged for a similar service in the town of Burney.

A franchise was not obtained from the County of Shasta to install and operate pipe lines in the public roads as the streets have not been dedicated to public use; however, applicant has obtained an encroachment permit from the Division of Highways for the installation of pipe lines along, under, and across the State Highway and has retained a three-foot easement on all lots bordering or adjacent to the State Highway right-of-way.

No other public utility serves in the area and no protest was made to the granting of a certificate or to the establishment of the suggested rates. Under the circumstances the certificate will be granted and the proposed rates established in the following Order.

The certificate of public convenience and necessity granted 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."

ORDER

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 operation of a public utility water system by C. C. Johnson in that certain subdivided tract known as Johnson Tract and adjacent territory, comprising some 480 acres, being in Section 3, T. 35 N., R. 3 E., M.D.B. & M., and more particularly delineated on a map filed as Exhibit No. 1 in this proceeding and 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 C. C. Johnson to operate a public utility for the distribution and sale of water within the territory hereinbefore described.
2. That C. C. Johnson 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 consumers, 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 the subdivided area known as Johnson Park Tract, and adjacent territory, two and one-half miles northeast of the town of Burney, Shasta County, being the SW $\frac{1}{4}$, the NW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of Section 3, T. 35 N., R. 3 E., M.D.B. & M.

Rates:

Per Month

For each residence and lot \$2.00

3. That C. C. Johnson, within thirty (30) days from the date of this Order, shall submit to this Commission for its approval four sets of rules and regulations governing relations with its consumers, each set of which shall contain a suitable map or sketch, drawn to an indicated scale upon a sheet 8 1/2 x 11 inches in size, delineating thereupon in distinctive markings the boundaries of its present service area, and the location thereof with reference to the immediate 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.

4. That C. C. Johnson, within sixty (60) days from the date of this Order, shall file with this Commission four copies of a comprehensive map, drawn to an indicated scale of not less than 600 feet to the inch, upon which shall be delineated by appropriate markings the territory presently served. 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 property comprising the entire utility area of service, provided, however, that such map 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.

(Handwritten initials)

IT IS HEREBY FURTHER ORDERED that 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 22nd day of October, 1946.

Harold P. Kels
Justus F. Garner
Francis J. Davis
Leah A. Kull
R. F. Johnson
 Commissioners.