

Decision No. 39662

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the Matter of the Application  
of

J. A. McQUARY

for a Certificate of Public Convenience and Necessity and an Order Fixing Rates.

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Application No. 27636.

Brown, Brown and Bacon, by Ralph M. Brown for Applicant.

O P I N I O N

J. A. McQuary asks the Commission for a certificate of public convenience and necessity |to operate |and maintain a public utility| water system to supply domestic and industrial water service in the McQuary Tract, adjoining the southerly boundary of the City of Ceres, in the County of Stanislaus. | Approval of a schedule of flat and meter rates also is requested. The proposed flat rates provide for a monthly charge of \$2.30 for a 3/4-inch service connection and \$3.10 per month for a one-inch service connection. The measured rates provide for a monthly minimum charge of \$1.50 and an allowance of 2,000 cubic feet of water. Excess use is reduced through the blocks to four cents per 100 cubic feet.

A public hearing in this proceeding was held before Examiner Stava at Modesto.

The proposed service area comprises some 19.5 acres and covers Block Nos. 60, 61, 62, 63 and 64 of the McQuary Tract, being a portion of the Dillon Morrow Tract. A water system supplying the McQuary Tract was constructed by J. A. McQuary in 1944. Service began in January of 1945.

Water is obtained from a 10-inch drilled well, 68 feet in depth, located in Lot 16, Block 60. An electrically-driven centrifugal pump discharging into a 750-gallon steel pressure tank distributes the water through 3,550 feet of new

galvanized iron pipe varying in diameter from  $1\frac{1}{2}$ -inch to 3 inches. The present investment in the waterworks is estimated to be \$4,000. Sixty-eight consumers are now receiving service, charged under the flat rates requested in the application herein.

The schedule of rates proposed is the same as the schedules heretofore authorized and placed in effect on other systems in this general vicinity including the Modesto and Ceres districts. The rates proposed, being just and reasonable, will be authorized in the following Order.

Applicant has been advised by the Board of Supervisors of Stanislaus County that no franchise is required at the present time for the installation, repair and maintenance of water mains in his subdivision. No other public utility water system serves this area and no one protested the granting of the certificate or the establishment of the rates requested.

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 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 above entitled 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 J. A. McQuary to construct, maintain and operate a public utility water system in Blocks 60, 61, 62, 63 and 64, of the McQuary Tract, being a portion of the Dillon-Morrow Tract, adjoining the southwesterly boundary of the City of Ceres, in the County of Stanislaus, said area being more particularly delineated upon the map filed as Exhibit No. 1, in this proceeding, which map is 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 J. A. McQuary to operate and maintain a public utility waterworks for the distribution and sale of water within the territory hereinabove described;
2. That, within thirty (30) days from the date of this Order, J. A. McQuary shall file in quadruplicate, in conformity with this Commission's General Order No. 96, the following schedule of rates to be charged for all service rendered to his customers on and after December 1, 1946, which schedule of rates is hereby found to be just and reasonable for the service rendered.

Schedule No. 1

MONTHLY FLAT RATES

Applicability:

Applicable to all domestic, commercial and industrial use of water.

Territory:

Blocks 60, 61, 62, 63 and 64, in McQuary Tract, adjoining the southwesterly boundary of the City of Ceres, in Stanislaus County.

Rates:

For water used in one dwelling, apartment, store or industry or other single unit establishment within the premises on which same is located, the charges shall be as follows:

	<u>Per Month</u>
For a 3/4-inch connection.....	\$2.30
For a 1-inch connection.....	3.10
Additional dwelling houses, etc., taking service through the same connection:	
For first additional unit.....	\$.80
For second additional unit.....	.60
For third additional unit and each unit in excess of three.....	.50

Schedule No. 2

MONTHLY MEASURED RATES

Applicability:

Applicable to all domestic, commercial and industrial users of water.

Territory:

Blocks 60, 61, 62, 63 and 64, in McQuary Tract, adjoining the southwesterly boundary of the City of Ceres, in Stanislaus County.

Schedule No. 2 - Continued

MONTHLY MEASURED RATES

Rates:

<u>Monthly Minimum Charges:</u>	<u>Per Meter Per Month</u>
For 5/8 x 3/4-inch meter.....	\$1.50
For 3/4-inch meter.....	1.75
For 1-inch meter.....	2.50
For 1 1/2-inch meter.....	3.50
For 2-inch meter.....	5.00
For 3-inch meter.....	10.00
For 4-inch meter.....	15.00
For 6-inch meter.....	20.00

Each of the foregoing "Monthly Minimum Charges" will entitle the consumer to the quantity of water which the Monthly Minimum Charge will purchase at the following "Monthly Quantity Rates" set out below:

Monthly Quantity Rates:

First 5,000 cubic feet, per 100 cubic feet.....	\$.07 1/2
Next 45,000 cubic feet, per 100 cubic feet.....	.06
Over 50,000 cubic feet, per 100 cubic feet.....	.04

3. That J. A. McQuary, within sixty (60) 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, the location thereof with reference to the immediate surrounding territory; provided, however, that such a 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 J. A. McQuary, 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 the location of the property comprising the entire utility area of service; provided, however, that such a 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.

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 26<sup>th</sup> day of November, 1946.

Harold P. Kula  
Justin J. Casanova  
Thomas J. Davis  
John A. Fawcett  
A. E. [Signature]

COMMISSIONERS.