

ORIGINAL

Decision No. 39663

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

J. L. BRADY

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

Application No. 27628

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

O P I N I O N

J. L. Brady, doing business under the fictitious firm name and style of J. L. Brady Water Company, asks the Railroad Commission for a certificate of public convenience and necessity to operate a water system to serve residents of a subdivision known as Sunrise Homes, being a portion of Lot No. 19 of the Mensinger Colony, located in the NE $\frac{1}{4}$ of Section 21, T. 3 S., R. 9 E., M.D.B. & M., approximately one mile northeast of the City of Modesto in Stanislaus County. Request also is made for the approval of a schedule of flat and meter rates for the service rendered. The flat rates provide for a monthly charge of \$2.30 for a 3/4-inch service connection and \$3.10 for a 1-inch service connection. The measured rates provide for a monthly minimum charge of \$1.50 with an allowance of 2,000 cubic feet of water. Excess use is reduced through two blocks to 4¢ per 100 cubic feet for quantities over 50,000 cubic feet.

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

Sunrise Homes is a tract containing some fourteen acres, subdivided into sixty-four lots. J. L. Brady has just completed this year the installation of a water system to serve the tract. Water is pumped from a 10-inch drilled well, 128 feet deep, by an electrically-driven centrifugal pump. Water is delivered

under pressure tank control through 2,600 feet of reconditioned black pipe, varying in diameter from 2 to 4 inches. The present investment in the waterworks is estimated to be \$4,222. There are eight consumers at present now being charged under the flat rates requested.

The proposed schedule of rates is the same as heretofore authorized and placed in effect on several other similar utilities in Modesto and adjacent territory. This schedule is just and reasonable for the service rendered and will be authorized in the following order.

Applicant has been advised by the County Board of Supervisors that no franchise or other permit is necessary for the construction, maintenance and repair of water mains and pipe lines in this tract.

No other public utility water system serves in or adjacent to 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. L. Brady to construct, maintain and operate a public utility water system in a subdivision known as Sunrise Homes, being a portion of Lot 19 of the Mensinger Colony, located in the NE $\frac{1}{4}$ of Section 21, T. 3 W., R. 9 E., M.D.B. & M., and as more particularly

delineated upon the map filed as Exhibit No. 2 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. L. Brady to construct and operate a public utility water system for the distribution and sale of water within the territory hereinabove described.
2. That J. L. Brady be and he is hereby authorized and directed to file in quadruplicate, in conformity with this Commission's General Order No. 96, within thirty (30) days from the date of this Order, the following schedule of rates to be charged for all service rendered to his customers on and after the first day of December, 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:

In Sunrise Homes Tract, being a portion of Lot 19, Mensinger Colony, near the City of Modesto, 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 connections:	
For first additional unit	\$0.80
For second additional unit60
For third additional unit and each unit in excess of three50

Schedule No. 2

MONTHLY METER RATES

Applicability:

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

Territory:

In Sunrise Homes Tract, being a portion of Lot 19, Mensinger Colony, near the City of Modesto, Stanislaus County.

Rates:

Per Meter
Per Month

Monthly Minimum Charges:

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 that 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	\$0.07 1/2
Next 45,000 cubic feet, per 100 cubic feet06
Over 50,000 cubic feet, per 100 cubic feet04

3. That J. L. Brady, 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 his 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 his present service area, 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.

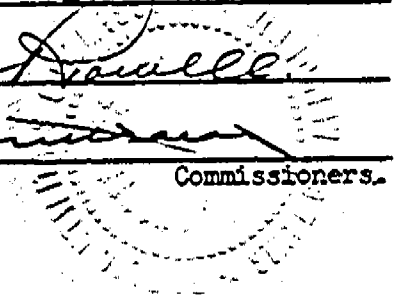
4. That J. L. Brady, within sixty (60) days from the date of this Order, shall file with this Commission four copies of a comprehensive map, drawn to an indicated scale of not less than 600 feet to the inch, upon which shall be delineated by appropriate markings the territory presently served. This map 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.

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 26th day of November, 1946.

Harold P. Kels
Justus J. Casner
Francis Clark
Wesley Howell
R. E. Johnson



Commissioners.