

Decision No. 39904**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SWAIN OAKS MANOR, A CO-PARTNERSHIP, for a certificate to construct and operate a water supply and distribution system as a public utility and to establish the rates therefor.

Application No. 28039

Jones and Quinn, by Thomas B. Quinn,
for Applicant.

O P I N I O N

In this proceeding Swain Oaks Manor, the fictitious firm name of a copartnership, consisting of Peter L. Sala and Dante J. Nonellini, asks this Commission for a certificate of public convenience and necessity to operate a public utility water system for the sale and distribution of water for residential and commercial purposes in that certain subdivision known as Swain Oaks Manor, and also in certain territory contiguous thereto. This property is located approximately $1\frac{1}{2}$ miles north of the city of Stockton on the Lower Sacramento Road in San Joaquin County.

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

Swain Oaks Manor has an area of 70 acres subdivided into 197 lots. At the present time there are 55 homes nearing completion. Applicant predicts that the entire tract will be fully developed by July 1 of this year. The adjoining territory referred to in the application consists of approximately 1,600 acres, a portion of which will be subdivided in the near future.

The water supply for the system installed in Swain Oaks Manor is obtained from a drilled well 232 feet deep located on lot 184. The well will be equipped with a new 75 hp electrically driven Peerless deep-well pump delivering water into a pressure tank having a capacity of 5,200 gallons. The tank will

be equipped with automatic controls set to operate at working pressures of 40 to 60 pounds per square inch. Water will be furnished to the consumers through a distribution system consisting of approximately 6,300 feet of ten-, eight-, and six-inch ten gauge steel pipe. The cost of the complete system for initial operation is estimated by Applicant to be \$24,300.

Mr. Sala testified that in the future, when the demand exceeds the present supply, Applicant will increase its source of water supply by drilling additional wells and will extend its mains as may be necessary to furnish service to new customers throughout the area for which a certificate is requested.

The record shows that the streets and roads in the subdivision have been dedicated to the public use and that the necessary authority to enter in, under, on, or upon these public roadways will be obtained immediately from the Board of Supervisors of San Joaquin County.

No other public utility serves water in this 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. The rates established in the following Order compare favorably with those of similar utilities operating under comparable conditions where water is supplied by pumping from wells.

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."

O R D E R

Application as entitled above having been filed with the Public Utilities Commission of the State of California, a public hearing having been

held thereon, the matter having been duly submitted and the Commission now being fully advised in the premises,

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity requires, and will require, the construction, maintenance, and operation of a public utility water system by Swain Oaks Manor, a copartnership, consisting of Peter L. Sala and Dante J. Nomellini, in the subdivision called Swain Oaks Manor and in certain contiguous territory located approximately $1\frac{1}{2}$ miles north of the city of Stockton on the Lower Sacramento Road in San Joaquin County, comprising some 1,670 acres and as more particularly delineated on the map filed as Exhibit 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 Swain Oaks Manor, a copartnership, to construct, maintain, and operate a public utility for the distribution and sale of water within the territory hereinabove described.
2. That Swain Oaks Manor, a copartnership, be and it 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 schedules of rates to be charged for all water service rendered to its consumers on and after the first day of February, 1947, which schedules of rates are hereby found to be just and reasonable for the service to be rendered:

Schedule No. 1

GENERAL METER RATES

APPLICABILITY

Applicable to all domestic, commercial and industrial metered water service.

TERRITORY

The subdivided area known as Swain Oaks Manor and adjacent territory, $1\frac{1}{2}$ miles north of the city of Stockton on Lower Sacramento Road, San Joaquin County.

RATES

| | <u>Per Meter</u> <u>Per Month</u> |
|------------------------------------|--------------------------------------|
| <u>Minimum Monthly Charges:</u> | |
| For 5/8 x 3/4 inch meter | \$1.75 |
| For 3/4 inch meter | 2.25 |
| For 1 inch meter | 3.50 |

The Minimum Monthly Charges will entitle the consumer to the quantity of water which that minimum monthly charge will purchase at the following Monthly Quantity Rates:

| <u>Monthly Quantity Rates:</u> | |
|--|--------|
| First 800 cubic feet, or less | \$1.75 |
| Next 1,200 cubic feet, per 100 cubic feet | .175 |
| Next 3,000 cubic feet, per 100 cubic feet | .15 |
| Next 5,000 cubic feet, per 100 cubic feet | .12 |
| Over 10,000 cubic feet, per 100 cubic feet | .10 |

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

Schedule No. 2

FLAT RATE

APPLICABILITY

Applicable to all unmeasured service of water.

TERRITORY

The subdivided area known as Swain Oaks Manor and adjacent territory, 1 1/2 miles north of the city of Stockton on Lower Sacramento Road, San Joaquin County.

RATES

Per Month

- (1) For each residence, including reasonable and necessary quantities of water for an irrigated area of not over 3,000 square feet of lawns, gardens, shrubbery and trees \$2.00
- (2) For each residential establishment, for all irrigated area in excess of 3,000 square feet, payable during the six months of May to October, inclusive, per 100 square feet02

3. That Swain Oaks Manor, a copartnership, 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, 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 Swain Oaks Manor, a copartnership, 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.

For all other purposes, the effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at Los Angeles, California, this 28th day of January, 1947.

Harold A. Kuhl

Justice F. Cooper

Just. Powell

A. J. [unclear]

Commissioners