

**ORIGINAL**

Decision No. 39948

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
A. RUSSEL GALLAWAY, JR., for a  
Certificate of Public Convenience and  
Necessity to operate a water system in  
Sacramento County, California, and for  
the Approval of Rates.

Application No. 28067

A. Russel Gallaway Jr., for Applicant

O P I N I O N

In this proceeding A. Russel Gallaway, Jr. asks the Commission for a certificate of public convenience and necessity to supply water for domestic and commercial purposes in an area of approximately 76 acres, known as Wright and Kimbrough, Sutterville Park, situated in the south half of Section 24, T.8 N., R.4 E., M.D.B. & M. in Sacramento County. Approval of rates is also requested.

A public hearing in this matter was held before Examiner Mackall at Sacramento.

Section 24 is situated north of Fruitridge Road and the requested service area lies to the east of Freeport Boulevard. Applicant owns all of the territory described above. However lots 1 to 145, which include all of the area piped to date, are now under contract of purchase to Mr. James Jansen who will build veterans' homes on said lots under permits from the Federal Housing Administration and the Civilian Production Administration. Mr. Jansen has agreed to have the homes started on all lots by September 1, 1947, and completed

by September 1, 1948. There are no homes in the tract at this time.

The water supply for this system is obtained from a 12-inch well, 161 feet deep, on a lot located near the center of the 76-acre tract. The well is equipped with a 30-horsepower electric motor and a Peerless deep-well pump rated at 500 gallons per minute. Under test this well delivered 1,000 gallons per minute with the water level stabilized at 90 feet below ground surface. An automatically controlled 5,000-gallon pressure tank will operate between 40 and 60 pounds per square inch. The distribution mains consist of approximately 6,700 feet of steel pipe varying in size from two to eight inches in diameter. Applicant estimates the total cost of the system installed to date at \$22,320. The remaining 146 lots in the tract will be piped when homes are constructed in that area.

The record shows that the streets and roads have been accepted by the county authorities and that all necessary rights-of-way have been reserved for pipe lines installed under or across streets and roads.

There is no other public utility serving water in this area and no protest was made against the granting of a certificate or to the establishing of rates.

At the hearing applicant amended his application to request that the Commission establish a schedule of meter rates and a fire hydrant rate.

Under the circumstances, the certificate will be granted. The rates established in the following order are fair and reasonable and compare favorably with charges made by similar utilities operating from wells in this section of Sacramento County.

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 require, and will require, the maintenance and operation of a public utility water system by A. Russel Callaway, Jr. in the area known as Sutterville Park in the south half of Section 24, T.8 N., R.4 E., M.D.B. & M., in Sacramento County, as more particularly delineated upon the map filed as Exhibit "A" in this application, 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 A. Russel Callaway, Jr. to construct, maintain and operate a public utility for the production, distribution and sale of water for domestic and other purposes within the territory hereinabove described.

2. That A. Russel Gallaway, Jr. be and he is hereby authorized and directed to file in quadruplicate in conformity with the 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, which schedules of rates are hereby found to be just and reasonable for the service to be rendered.

Schedule No. 1

FLAT RATES

Applicability:

Applicable to all unmeasured water service.

Territory:

In the subdivided area known as Sutterville Park, located south of the City of Sacramento, east of Freeport Boulevard and north of Fruitridge Road in Sacramento County.

Rates:

Per Month

- 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
- 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 feet . . . . . .02

Schedule No. 2

METER RATES

Applicability:

Applicable to all domestic, commercial and industrial metered service.

Territory:

In the subdivided area known as Sutterville Park, located south of the City of Sacramento, east of Freeport Boulevard and north of Fruitridge Road in Sacramento County.

Rates:

Per Meter  
Per Month

Minimum Monthly Charges:

- For 5/8 x 3/4-inch meters . . . . . \$1.75
- For 3/4-inch meters . . . . . 2.25
- For 1-inch meters . . . . . 3.25

Schedule No. 2 - Continued

METER RATES

Rates - Continued:

Per Meter  
Per Month

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:

Monthly Quantity Rates:

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

3. That A. Russel Callaway, Jr. 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 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 A. Russel Callaway, Jr., 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 San Francisco, California, this 4<sup>th</sup> day  
of February, 1947.

Harold P. Kula  
Justice J. Collier  
Leo H. Lawrence  
R. E. Townsend  
Commissioners