

Decision No. 40163

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of JOSEPH A. MOORE, and ARLIE S. MOORE, his wife, for an order granting them a Certificate of Public Convenience and Necessity to extend water service to territory near the City of Modesto, Stanislaus County, not now served by them.

Application No. 28177

T. B. Scott for Applicants.

O P I N I O N

Joseph A. Moore and Arlie S. Moore, his wife, doing business as Joseph A. Moore Water Company, and engaged in supplying water for domestic purposes in a 120-acre service area near Modesto, Stanislaus County, ask the Commission to grant them a certificate of public convenience and necessity to serve an adjoining 40-acre territory. Applicants allege that requests for service in this area have been made by residents and also by property owners desiring to build homes.

A public hearing in this matter was held before Examiner Steva at Modesto.

The Commission in its Decision No. 37967, issued June 5, 1945, granted applicants a certificate of public convenience and necessity to operate a public utility water system in a 120-acre territory, located near the southern city limits of the City of Modesto. Applicants have been requested to extend service into a 15-acre subdivision located in a 40-acre piece of land that lies between the north boundary of applicants' certificated area and the south city limits of the City of Modesto. Residents in this territory have also asked that applicants extend the mains and supply them with domestic water service. If the

certificate is granted, applicants propose to drill a new well and install pumping equipment to serve the new section.

Applicants report a fixed capital of \$10,659, as of December 31, 1946, and an annual revenue of \$4,356. There are 166 customers being served at flat rates by the existing system. Applicants desire to have the existing rates, rules and regulations made effective for all service supplied in the new territory.

Permission and franchise to construct and operate this water system in the roads and highways of Stanislaus County were granted applicants by resolution of the Board of Supervisors on June 25, 1945, to install, repair, replace and operate water mains upon and across the public roads, highways and alleys within Stanislaus County. No other utility serves in the territory for which a certificate is requested and no one objected to granting the authority sought; therefore the certificate will be granted.

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 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 construction, maintenance and operation of a public utility water system by

Joseph A. Moore and Arlie S. Moore, his wife, doing business as Joseph A. Moore Water Company in the 40-acre territory adjoining the south city limits of the City of Modesto, as more particularly described in the application and delineated upon the map filed as Exhibit No. 1 in this proceeding, said application and map being 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 Joseph A. Moore and Arlie S. Moore, his wife, doing business as Joseph A. Moore Water Company, to construct, maintain and operate a public utility for the distribution and sale of water within the territory hereinabove described at the rates established by the Commission in its Decision No. 37967, issued June 5, 1945, and subject to the rules and regulations now on file with the Commission.
2. That Joseph A. Moore and Arlie S. Moore, his wife, within sixty (60) days from the date of this Order, shall submit to this Commission a suitable map or sketch, drawn to an indicated scale upon a sheet 8½ x 11 inches in size, delineating thereupon in distinctive markings the boundaries of their 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.
3. That Joseph A. Moore and Arlie S. Moore, his wife, 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 to be 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 the effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 15th day of April, 1947.

Harold Hills

Justice D. Cassin

Justice Powell

A. F. Morrison

Samuel H. Duff

Commissioners.