

and it is their present desire to install and furnish water to their development from a flowing spring located in the northwest quarter of the section. This spring originally was developed in 1927 for logging purposes at which time a 6-inch and a 4-inch riveted steel pipe line was laid to a point near the State Highway in Agate Bay View. This spring, called "Mountain Springs" locally, is said to yield 166 gallons per minute on recent tests and to produce a very fine quality of water in adequate volume for the demands of the proposed real estate development for residential purposes. However, it is seriously recommended to the copartners that immediate steps be taken to secure all necessary rights to pump water from Lake Tahoe for the additional protection of both present and future development of Section 15.

The distribution system has not as yet been installed. The present plans, however, call for immediate installation of mains at a revised contract cost of \$2,725, including engineering expenses. An additional \$2,000 will be expended for new pipe and service connections. Present plans call for installation only of 560 feet of main along the shore line in Agate Bay Shore Tract.

Mr. Duncan H. Davis testified that he has allocated to the spring and protective lands and to the original transmission pipe line the sum of \$10,000 as the cost of acquisition thereof upon the basis of \$5,000 each. No further supporting evidence in connection therewith was offered.

The evidence shows that all mains and pipe lines are to be buried at sufficient depth to prevent damage from freezing. The transmission line is to be covered with an additional 18 inches of earth fill. The copartners intend to provide water not only during the regular summer vacation season but throughout the winter as well. A special annual rate for year-around service is requested in addition to the regular summer charge.

The testimony and record herein shows that no further authority to install and maintain pipe lines in these subdivided parcels is required from Placer County. Permission to cross the State Highway with pipe lines already has been obtained, effective upon and subject to the granting by this Commission of a certificate of public convenience and necessity.

There is no public utility or any other dedicated water system operating in or adjacent to the properties requiring water service herein. No protest of any nature was made. It is clear, therefore, that both public convenience and necessity require the granting of the certificate to construct and operate the water system as prayed. 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."

The following form of Order is recommended:

ORDER

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 and operation of a public utility water system by Duncan H. Davis, E. A. Sinclair and Stuart L. Rawlings, Jr., copartners, doing business as Mountain Springs Water Company, in those certain subdivided tracts, lying under the gravity flow of the spring, and known as Agate Bay View, Agate Bay Shore, and all adjoining and adjacent lands located in Section 15, T. 16 N., R. 17 E., M.D.B. & M., on the northwest shore of Agate Bay, Lake Tahoe, Placer County, and more particularly delineated on a map filed as Exhibit "A" attached to the application, which map is hereby 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 Duncan H. Davis, E. A. Sinclair, and Stuart L. Rawlings, Jr., copartners, doing business as Mountain Springs Water Company, to operate a public utility for the distribution and sale of water in the territory hereinbefore described.

2. That Duncan H. Davis, E. A. Sinclair and Stuart L. Rawlings, Jr. copartners, are hereby authorized and directed to file in quadruplicate with this Commission, within thirty (30) days from the date of this Order, in conformance with the Commission's General Order No. 96, the following schedule of rates to be charged for water service rendered to their consumers, which schedule of rates is hereby found to be just and reasonable for the service to be rendered.

Schedule No. 1

SUMMER FLAT RATES

Applicability:

Applicable to all unmeasured water service for the summer season from May 1 to October 31 of any year.

Territory:

In and in the vicinity of Agate Bay View and Agate Bay Shore, subdivisions, and adjacent territory, located in Section 15, T. 16 N., R. 17 E., M.D.B. & M., on the northwest shore of Lake Tahoe, near Agate Bay, Placer County.

Rates:

Annual Summer Flat Rate

Residential use, payable in advance on or before  
May 1 of each year.....\$25.00

Schedule No. 2

ANNUAL FLAT RATES

Applicability:

Applicable to all unmeasured water service for the period from January 1 to December 31 of any year.

Territory:

In and in the vicinity of Agate Bay View and Agate Bay Shore, subdivisions, and adjacent territory, located in Section 15, T. 16 N., R. 17 E., M.D.B. & M., on the northwest shore of Lake Tahoe, near Agate Bay, Placer County.

Rates:

Annual Flat Rate:

Residential use, payable in advance on or before  
January 1 of each year..... \$65.00

Schedule No. 3

SUMMER METER RATES

Applicability:

Applicable to all water service rendered on a measured basis for the summer season from May 1 to October 31 of any year.

Territory:

In and in the vicinity of Agate Bay View and Agate Bay Shore, subdivisions, and adjacent territory, located in Section 15, T. 16 N., R. 17 E., M.D.B. & M., on the northwest shore of Lake Tahoe, near Agate Bay, Placer County.

Rates:

Annual Summer Charge:

Payable on or before May 1 of each year,  
entitling the customer to 700 cubic  
feet of water each month from  
May 1 to October 31.....\$24.00

Monthly Quantity Rates:

First 700 cubic feet, included in annual summer rate.  
Next 1,300 cubic feet, per 100 cubic feet.....\$0.20  
Over 2,000 cubic feet, per 100 cubic feet..... .15

Schedule No. 4

ANNUAL METER RATES

Applicability:

Applicable to all water service rendered on a measured basis for the period from January 1 to December 31 of any year.

Territory:

In and in the vicinity of Agate Bay View and Agate Bay Shore, subdivisions, and adjacent territory, located in Section 15, T. 16 N., R. 17 E., M.D.B. & M., on the northwest shore of Lake Tahoe, near Agate Bay, Placer County.

Rates:

Annual Charge:

Payable in advance on or before January 1 of each  
year entitling the customer to 700 cubic feet  
of water each month from January 1 to  
December 31..... \$60.00

Monthly Quantity Rates:

First 700 cubic feet, included in annual charge.  
Next 1,300 cubic feet, per 100 cubic feet.....\$0.20  
Over 2,000 cubic feet, per 100 cubic feet..... .15

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3. That Duncan H. Davis, E. A. Sinclair and Stuart L. Rawlings, Jr., copartners, within thirty (30) days after the effective date of this Order, shall file four sets of rules and regulations governing relations with their consumers, each set of which shall contain a suitable map or sketch, drawn to an indicated scale of about  $8\frac{1}{2}$  x 11 inches in size, indicating thereon the service area and the location thereof with reference to the surrounding territory; provided, however, that such map or sketch shall not be construed as a final determination or establishment, in whole or in part, of the dedicated area of service.
  4. That Duncan H. Davis, E. A. Sinclair and Stuart L. Rawlings, Jr., copartners, within sixty (60) days after the effective date of this Order, shall file four copies of a comprehensive map or sketch, drawn to an indicated scale of not less than 400 feet to the inch, delineating correctly thereon by appropriate markings the various tracts of land in the territory served. Such map should be reasonably accurate, show the source and date thereof, and include sufficient data to determine clearly and definitely the location of the various properties comprising the entire utility area of service; provided, however, that such filing shall not be construed as a final determination or establishment, in whole or in part, of the dedicated area of service.

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

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Public Utilities Commission of the State of California.

Dated at San Francisco California, this 26<sup>th</sup> day of

August, 1947.

Harold P. Kula  
Justus F. Brannen  
Justus F. Brannen  
W. J. Brannen  
W. J. Brannen  
 COMMISSIONERS.