

Decision No. 41625

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 ERNST LEIBACHER for a certificate of
 public convenience and necessity to
 operate a water system for compensation
 in Los Angeles County in the State of
 California.

Application No. 29220

Ernst Leibacher, for Applicant..

O P I N I O N

Ernst Leibacher asks the Commission for a certificate of public convenience and necessity to construct and operate a public utility water system to serve a subdivision located two miles easterly of the town of Downey in Los Angeles County. The Commission also is asked to establish a schedule of flat and meter rates.

A public hearing in this matter was held before Examiner Stava in Los Angeles.

Applicant is the owner of a parcel of land containing 6-1/2 acres. One-half of the property has been subdivided into 11 residential lots and is known as Tract No. 13654, Los Angeles County, and it is planned to subdivide the remainder when the above lots have been sold.

Mr. Leibacher testified that he has drilled a well eight inches in diameter and 270 feet deep, and has equipped it with an electrically-driven turbine pump. He plans to install a 2,000-gallon, automatically-controlled, steel pressure tank and 650 feet of four-inch mains to distribute the water throughout the subdivision. He estimates the cost of the completed system to be \$5,971, which includes \$600 for the land on which the well is located and the rights of way and easements for pipe lines along the back of the lots.

No county franchise is required from Los Angeles County.

The schedules of flat and meter rates established in the following order are similar to the rates in effect on other water systems operated in the general vicinity. The schedule of rates proposed by applicant has been slightly modified to comply with the general policy of this Commission in setting up the rate structure.

No public utility operates in or near the proposed service area of this water system and no protests were entered. It appears therefore that the certificate should be granted and a schedule of rates established for the service to be rendered.

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 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 Ernst Leibacher to supply water for domestic, commercial, industrial, and agricultural purposes in the 6½-acre parcel of land, including Tract No. 13654 in Los Angeles County, located at the intersection of Studebaker Road and Kenney Road, near the town of Downey, and as more particularly delineated upon the map filed as Exhibit 1 in this proceeding, 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 Ernst Leibacher to operate a public utility water system for the distribution and sale of water within the territory hereinabove described and under the conditions set forth herein.
2. That Ernst Leibacher 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 effective date of this Order, the following schedules of rates to be charged for all water service rendered to his customers subsequent to the effective date of this Order, which schedules of rates are hereby found to be just and reasonable for the service to be rendered.

Schedule No. 1

GENERAL METER SERVICE

APPLICABILITY

Applicable to domestic, industrial, and general meter service.

TERRITORY

In the 6 $\frac{1}{2}$ -acre parcel of land, including Tract No. 13654, located at the intersection of Studebaker Road and Kenney Road, two miles east of the town of Downey, Los Angeles County.

RATES

Per Meter
Per Month

Monthly Quantity Rates:

First	1,000 cubic feet or less	\$1.75
Next	9,000 cubic feet, per 100 cubic feet12 $\frac{1}{2}$
Over	10,000 cubic feet, per 100 cubic feet08

Monthly Minimum Charges:

For	5/8 x 3/4-inch meter.	\$1.75
For	3/4-inch meter.	2.00
For	1-inch meter.	2.50

The Minimum Monthly Charge will entitle the consumer to the quantity of water which that minimum monthly charge will purchase at the Monthly Quantity Rate.

Schedule No. 2

FLAT RATE SERVICE

APPLICABILITY

Applicable to all domestic flat rate water service.

TERRITORY

In the 6½-acre parcel of land, including Tract No. 13654, located at the intersection of Studebaker Road and Kenney Road, two miles east of the town of Downey, Los Angeles County.

RATES

Per Month

For 3/4-inch service connection, per single family unit.	\$2.00
or single lot not in excess of 7,500 square feet, and \$0.02 per month for sprinkling or irrigation of each 100 square feet additional.	
For 1-inch service connection, per single family unit.	2.75
or single lot not in excess of 7,500 square feet, and \$0.02 per month for sprinkling or irrigation of each 100 square feet additional.	

SPECIAL CONDITIONS

1. Flat rates will be payable in advance.
2. Billing may, at the option of the company, be for a two-month period instead of one month.
3. That Ernst Leibacher, 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 consumer, each set of which shall contain 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 his 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 Ernst Leibacher, within sixty (60) days from the effective 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 21st day of May, 1948.

R. J. Anderson
Justus J. Calver
Joseph H. Lavelle
Harold P. Hills
Kenneth P. Potter