

Decision No. 42108

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of  
Charles P. Whitener and Beulah A.  
Whitener, his wife For a Certificate  
of Public Convenience and Necessity  
to Operate a Water System

Application No. 29358

Charles P. Whitener, for applicants.

O P I N I O N

In this application, Charles P. Whitener and Beulah A. Whitener, his wife, ask for a certificate of public convenience and necessity to operate a public utility water system in a tract located three-quarters of a mile west of the town of Parlier, Fresno County. The Commission is also asked to authorize a flat rate of \$4 per month for each 50 foot lot.

A public hearing in this matter was held at Parlier before Examiner Ross.

At the hearing applicant asked to amend the application to make the flat rate of \$4 per month apply for each lot not in excess of 11,000 square feet, and requested that the Commission establish comparable meter rates.

The proposed service area includes ten acres more or less and has been subdivided into 31 lots most of which are 10,000 or 11,000 square feet in area. Four lots in the subdivision have been sold but no residences have been built.

The water supply for the system is obtained from a drilled well eight inches in diameter and 85 feet deep. The present pumping equipment, consisting of a 5 hp electric motor and turbine pump, will

be replaced by a 7½ hp unit in the near future. Water is delivered through a 1,500-gallon steel pressure tank into the distribution system which consists of 935 feet of three-inch casing and from which are extended one-inch laterals to serve a second tier of lots.

Mr. Whitener testified that his total investment will be \$2,956 and consist of water facilities now installed in the sum of \$2,625, the value of land used as the site of the well being \$100, and the additional cost of the 7½ hp pumping plant being estimated to be \$181. Intangible capital invested is \$50 which is the amount of the filing fee required with the application to the Commission.

According to Mr. Whitener's testimony, the streets of the subdivision will be dedicated to the public as soon as the process of oiling them has been completed. He stated that the subdivision layout has been approved by the Fresno County Planning Commission and the State Real Estate Commissioner. A franchise or permission from the county to operate and repair the pipe line, is not necessary at present, but applicant will be required to obtain this authority when streets are accepted by the county.

In view of the present undeveloped state of the subdivision, it is apparent that only a small amount of revenue will be realized from this system in the near future. Since the system has not been in operation, there is no basis on which to determine the operating expenses or operating revenue. However the requested rate of \$4 per lot is excessive for this class of service. Under the circumstances the Order herein will establish rates which are in effect in that general area and are deemed fair and reasonable for water service to be furnished during the development stage of the subdivision.

The area for which a certificate is requested is not served by any other public utility water system and it is outside the corporate limits of the town of Parlier. No one appeared to object to the granting of the authority sought herein.

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, therefore,

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 Charles P. Whitener and Beulah A. Whitener, his wife, throughout the area more particularly described on the map designated as Exhibit G attached to the application herein, which exhibit is made 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 Charles P. Whitener and Beulah A. Whitener, his wife, to construct, maintain and operate a public utility for the distribution and sale of water within the territory hereinabove described.
2. That Charles P. Whitener and Beulah A. Whitener, be and they are hereby authorized and directed to file in quadruplicate, in conformity with this Commission's General Order No. 96, within thirty (30) days after the effective date of this Order, the schedule of rates shown in Exhibit A appended, such rates to be charged for all water service rendered to consumers on and after said effective date.

3. Charles P. Whitener and Beulah A. Whitener, within thirty (30) days from the effective date of this Order, shall file with this Commission four sets of rules and regulations governing relations with their customers, each set of which shall contain a suitable map or sketch, drawn to an indicated scale upon a sheet  $8\frac{1}{2}$  x 11 inches in size, delineating thereupon in distinctive markings the boundaries of the present service area and the location thereof with reference to the immediate surrounding territory; provided, however, that such filing shall not be construed as a final or conclusive determination or establishment of the dedicated area of service or any portion thereof.
4. That Charles P. Whitener and Beulah A. Whitener, within thirty (30) 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 filing shall not be construed as a final or conclusive determination or establishment of the dedicated area of service or any portion thereof.
5. The authorization granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.

The effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of October, 1948.

R. Z. [Signature]  
Robert [Signature]  
Harold F. [Signature]  
[Signature]

Commissioners.

EXHIBIT A

Schedule No. 1

FLAT RATES

APPLICABILITY

Applicable to all domestic, commercial, and industrial water service furnished at flat rates.

TERRITORY

In Whitener Heights Subdivision Tract No. 1014, Fresno County.

RATES

	<u>Per Month</u>
For each residence including an area of 6,000 square feet . . .	\$2.50
For all irrigation of lawn, shrubs, gardens, vineyards and orchards, per month throughout the year per 100 square feet . . .	.03

Schedule No. 2

METER RATES

APPLICABILITY

Applicable to all domestic, commercial, and industrial water service furnished on a measured basis.

TERRITORY

In Whitener Heights Subdivision, Tract No. 1014, Fresno County.

RATES

<u>Minimum Charges:</u>	<u>Per Meter</u> <u>Per Month</u>
For 5/8 x 3/4-inch meter . . . . .	\$2.50
For 3/4-inch meter . . . . .	3.50
For 1-inch meter . . . . .	5.00

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

Quantity Rates:

First 1,250 cu.ft. or less . . . . .	\$2.50
Next 3,750 cu.ft., per 100 cu.ft. . . . .	.18
Next 5,000 cu.ft., per 100 cu.ft. . . . .	.15
Over 10,000 cu.ft., per 100 cu.ft. . . . .	.12