

Decision No. 42415

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

D. S. KAVANAGH doing business as  
KAVANAGH VISTA WATER CO.,for permission to sell water for  
domestic purposes to residents of  
Kavanagh Vista.

Application No. 30509.

Laurence B. Meyers, for applicant.O P I N I O N

D. S. Kavanagh, doing business as Kavanagh Vista Water Company, by the above-entitled application requests a certificate of public convenience and necessity authorizing him to operate a public utility water system in a residential tract recently opened and located in Fresno County some distance north of the Fresno city limits.

The subdivision is recorded as Tract No. 1094, Kavanagh Vista, and is the subdivision of Lot 42 of Bullard Lands Irrigated Subdivision No. 1, located in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 4, T. 13 S., R. 20 E., M.D.B. & M.

A public hearing on this application was held at Fresno on September 30, 1949, before Commissioner Potter and Examiner Gregory.

The tract comprises about ten acres divided into 39 lots of approximately 60 x 125 feet each. The south portion of Lot 39, adjacent to Fairmont Avenue at the eastern boundary, has been reserved for the water plant. As presently constructed, the water works consist of two wells 20 feet apart and 125 feet deep from which water is lifted through ten-inch perforated sealed casings by two 7 $\frac{1}{2}$  hp deep-well turbine pumps connected in series. From a 1,500-gallon pressure tank the water is delivered through a four-inch galvanized trunk main,

thence to the customers through 3/4-inch service connections. Two fire hydrants are maintained by the company. The pumps have a minimum capacity of about 260 gallons per minute at peak load, which is the approximate capacity of a four-inch pipe. The pumps are automatically controlled to cut in when the pressure reaches 26 pounds and cut off at 45 pounds. There are 20 houses built and sold in the tract and 18 present customers. More homes will be opened during the next month and a further subdivision of 80 houses will be located south of the present tract. The service area requested by applicant extends approximately one-quarter mile around Tract No. 1094 and will include the proposed additional homes. Facilities will be added to serve the new premises when necessary. Total cost of land and equipment, including a pump house (to be built), plus organization expense, is estimated at \$9,210. Applicant states that no county franchises or permits are needed at this time to enter into or under streets in the tract for the purpose of installing and maintaining water pipe lines.

Applicant requested flat rates which include a basic charge of \$2.50 per family per month and a meter rate beginning with 5/8 x 3/4-inch meters at \$2.25 per month, which would allow 900 cubic feet of water each month. The quantity charges proposed would be reduced through three blocks to five cents per 100 cubic feet for all water used in excess of 5,000 cubic feet. A proposed charge of \$75 per extension for service to other or additional property was deleted from the application at the hearing.

Applicant, D. S. Kavanagh, testified that arrangements had been made with the Fresno plumbing firm that installed the system to operate and maintain it. Kavanagh's office is located in down-town Fresno. The water company's books and accounts, however, will be kept separately from applicant's other business.

An inspection of the proposed system was made by an engineer, J. D. Reader, of the Commission's staff, who testified at the hearing. In general, the system was determined to be adequate for the proposed service and the utility's capital figures accurately reflected the cost of installation.

No other utility presently renders water service in the area proposed to be supplied by applicant, and no protest to the granting of the application was manifested at the hearing.

It is found that public convenience and necessity require that applicant be granted a certificate in the territory requested. The proposed flat and meter rates appear to be fair and reasonable for the service to be supplied. ✓

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

Public hearing having been held on the above-entitled and numbered application, as amended, the matter having been submitted, the Commission being fully advised and basing its order upon the findings and conclusions contained in the foregoing opinion,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity will require the construction and operation of a public utility water system by D. S. Kevanagh, an individual doing business

as Kavanagh Vista Water Company, in Tract No. 1094, Kavanagh Vista, Fresno County, California, located in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 4, T. 13 S., R. 20 E., M.D.B. & M., and consisting of a total area of ten acres, more or less, as delineated upon the map attached to the original application herein, and in an additional area surrounding said Tract No. 1094 as delineated on the map filed as Exhibit No. 1 herein.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to D. S. Kavanagh, an individual doing business as Kavanagh Vista Water Company, to construct and operate a public utility for the distribution and sale of water, for domestic purposes, within the territory hereinbefore described.

IT IS HEREBY FURTHER ORDERED that:

1. Rates set forth in Exhibit A attached to this order shall be filed in quadruplicate, in conformity with this Commission's General Order No. 96, within five (5) days after the effective date of this order, to be charged for all water service rendered to its customers on and after the first day of December, 1949.
2. Applicant within forty (40) days from the effective date of this order shall file with this Commission four sets of rules and regulations governing customer relations, 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 by distinctive markings the boundary of applicant's 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 portion thereof.
3. Applicant within forty (40) days after the effective date of this order shall file four copies of a comprehensive map drawn to an indicated scale of not less than 400 feet

Schedule No. 1

FLAT RATES

APPLICABILITY

Applicable to all flat rate water service.

TERRITORY

In Kavanagh Vista Tract No. 1094 in Fresno County and an area surrounding this tract for a distance of approximately one-quarter of a mile.

RATES

Per Month

One family residing on a single lot. . . . .	\$2.50
Two families residing on a single lot. . . . .	4.50
Each additional family on a single lot. . . . .	2.00
For commercial use. . . . .	3.00

Schedule No. 2

METER RATES

APPLICABILITY

Applicable to all measured water service.

TERRITORY

In Kavanagh Vista Tract No. 1094 in Fresno County and an area surrounding this tract for a distance of approximately one-quarter of a mile.

RATES

Per Meter  
Per Month

Minimum Charges:

For 5/8 x 3/4-inch meter. . . . .	\$2.25
For 3/4-inch meter. . . . .	2.50
For 1-inch meter. . . . .	3.00
For 1 1/2-inch meter. . . . .	5.00
For 2-inch meter. . . . .	7.50

The monthly minimum charge will entitle the customer to the quantity of water which that minimum charge will purchase at the following "Quantity Charges":

Quantity Charges:

First 900 cubic feet or less. . . . .	2.25
Next 1,100 cubic feet, per 100 cu. ft. . . . .	.15
Next 3,000 cubic feet, per 100 cu. ft. . . . .	.10
Over 5,000 cubic feet, per 100 cu. ft. . . . .	.05

to the inch delineating by appropriate markings the various tracts of land and territory service and the location of various properties of applicant.

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

Dated at San Francisco, California, this 18<sup>th</sup> day of October, 1949.

R. E. Mudd  
Justice J. Casper  
Joseph L. ...  
Harold F. ...  
Thomas W. Patton  
Commissioners