

ORIGINALDecision No. 49045

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
 DONAGHY WATER COMPANY to extend its) Application No. 33970
 service area in Sonoma County.)

Mrs. J. J. Donaghy, in propria persona,
 applicant.
Edward D. Keil and Russell D. Keil, for
 Sonoma Water & Irrigation Co.,
 interested party.
Clyde F. Norris, for the Commission staff.

O P I N I O N

On December 23, 1952, applicant, Mrs. J. J. Donaghy, doing business as Donaghy Water Company, filed an application to extend the service area of the Donaghy Water Company south from the Donaghy Tract near Glon Ellen, Sonoma County, to Madrone Road.

A public hearing on the application was hold before Examiner Cline at Sonoma on January 16, 1953, at which time the matter was taken under submission subject to the receipt in evidence of Exhibit No. 1, which was to be a statement regarding the rating by Pacific Gas and Electric Company of the pumps operated by applicant, and Exhibit No. 2, a copy of the franchise issued by the County of Sonoma.

Exhibit No. 1 has not been filed. Exhibit No. 2 which is a copy of the franchise granted by the County of Sonoma to John J. Donaghy, his heirs and assigns, within the Donaghy Tract has been filed, but the applicant has not yet obtained an extension of this franchise to include the new area covered in the application.

By Decision No. 30795 in Application No. 21696, John J. Donaghy was granted a certificate of public convenience and necessity to establish a public utility water system in the Donaghy Tract.

The applicant is the Executrix of the Estate of John J. Donaghy. As no authority to transfer such certificate and water system to applicant herein has been granted by this Commission, it was suggested that applicant request permission to file a supplement to this application requesting such authority. No such request for permission to file a supplemental application has been made.

By letter from the Commission Secretary, dated July 8, 1953, applicant was informed that unless further extension of time was granted, the matter would be taken under final submission July 31, 1953, on the basis of the record then existing. Applicant has requested a 60-day extension of time to enable her to get the pumps tested and to get her equipment working satisfactorily, but, as previously stated, no request for permission to file a supplemental application has been made. More than six months have elapsed since applicant stated she would have the pumps tested. No good reason has been shown why a further extension of time should be granted. The matter was taken under submission July 31, 1953.

As Mrs. J. J. Donaghy has not been authorized by this Commission to acquire the certificate of public convenience and necessity and the public utility water properties of her deceased husband, John J. Donaghy, the application herein will be denied without prejudice to the renewal of the request by the filing of a proper supplemental application herein.

O R D E R

The above-entitled application having been filed, a public hearing having been held, the matter having been submitted and now being ready for decision,

IT IS HEREBY FOUND AS A FACT that it would not be in the public interest at this time to grant applicant a certificate of public convenience and necessity to extend the service area defined in the certificate of public convenience and necessity granted to her now deceased husband, John J. Donaghy, by Decision No. 30795.

IT IS HEREBY ORDERED that the application on file herein be and it is denied without prejudice to the renewal of the request by the filing of a supplemental application herein.

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

Dated at San Francisco, California, this 1st day of September, 1953.

R. T. [Signature]
President
Justice J. [Signature]
[Signature]
[Signature]

Commissioners

Harold P. Huls
Commissioner being necessarily absent, did not participate in the disposition of this proceeding.