

**ORIGINAL**

Decision No. 66291

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 D. S. Kavanagh and Pauline Kavanagh, )  
 individuals doing business as the )  
 KAVANAGH VISTA WATER COMPANY, and )  
 the Bank of America, N.T. & S.A., )  
 as mortgagee, for authority to )  
 increase rates for water service )  
 rendered. )

Application No. 45002  
 (Filed December 5, 1962)

Donald S. Kavanagh, for applicants.  
Edmund J. Texeira, for the Commission staff.

OPINION ON FURTHER HEARING

On July 9, 1963, the Commission issued Decision No. 65664 in this matter, which decision, among other things, granted applicants authority to charge increased rates for water service rendered in an area, known as Kavanagh Vista, about six miles north of Fresno. On August 23, 1963, applicants petitioned for modification of said decision<sup>1/</sup> and on September 10, 1963, the Commission reopened the proceeding for further hearing on certain limited issues. Further hearing was held before Examiner Emerson on October 1, 1963, at Fresno and the matter was submitted.

In view of the evidence, the Commission makes the following further findings:

1. Applicants' original water system served small residential lots and served no residential swimming pools. Service connections were either 3/4-inch or 1-inch service pipes. As the area developed, larger lots and higher class residences became the general rule and a number of residential swimming pools were installed, especially in the last few years.

---

<sup>1/</sup> Said decision had become final.

2. As larger lots were occupied and pools installed therein, applicants have installed 1½-inch and 2-inch service connections to such lots.

3. Applicants' tariffs made no provisions for increased charges for service connections larger than one inch nor have applicants applied any greater charge for the 1½-inch and 2-inch service connections actually being served.

4. Applicants being aware that some 23 water districts and the City of Fresno, all in the general vicinity of applicants' system, were making a \$1 per month charge for service to swimming pools and having been told by an employee of this Commission that he saw no objection to such a charge, billed their customers \$1 per month for pool service.<sup>2/</sup>

5. The swimming pools served by applicants' system are all of the filtered and recirculating-water type which generally consume no greater amount of water than would an equivalent planted area.

6. The various lot sizes served by applicants fall into reasonable groupings, for water consumption and billing purposes, as follows:

<u>Lot Size</u>	<u>Size of Connection</u>
0-8,100 square feet	3/4-inch
8,101-14,000 square feet	3/4-inch or 1-inch
14,001-25,000 square feet	1½-inch or 2-inch

7. Applicants' tariffs should reflect the above groupings for flat rate residential water service.

<sup>2/</sup> It is this charge which this Commission has heretofore found to be unlawful; see Decision No. 65664.

8. With respect to refunding of past swimming pool charges, it is fair and reasonable, to utility and customer alike, to provide for repayment by means of crediting future billings over a three-year period.

In reviewing the entire record in this proceeding and in the light of the new facts disclosed by further hearing, on which the foregoing findings are based, the Commission concludes that Decision No. 65664 should be modified to the extent set forth in the following order.

O R D E R

IT IS ORDERED as follows:

1. Schedule No. 2, General Flat Rate Service, of Appendix A attached to Decision No. 65664 is hereby cancelled and replaced, effective January 1, 1964, by the rate schedule attached to the order herein and marked Appendix B. To such effect, D. S. Kavanagh and Pauline Kavanagh (Kavanagh Vista Water Company), are authorized to file with this Commission, after the effective date of this order and in conformity with General Order No. 96-A, the schedule of rates attached to this order as said Appendix B and, on not less than five days' notice to the Commission and to the public, to make such rates effective for service rendered on and after January 1, 1964.

2. Ordering paragraph 7 of Decision No. 65664 is hereby cancelled and the following substituted therefor:

7. Applicants shall have refunded to their customers any amounts collected as a charge for flat rate service to residential swimming pools by not later than the 24th day of July 1966, such refunding to be accomplished by crediting each month's bill for flat rate residential service by the amount of one dollar. In no case shall the total amount so credited exceed the total of swimming pool charges collected during the 36-month period ending July 24, 1963.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 5th day of NOVEMBER, 1963.

William W. Bunn  
President

George E. Mitchell

Wesley K. Page

George H. Thover

Fredrick B. Holoboff  
Commissioners

APPENDIX B  
Page 1 of 2

Schedule No. 2

GENERAL FLAT RATE SERVICE

APPLICABILITY

Applicable to all flat rate water service.

TERRITORY

The area adjacent to Ballard Avenue, located approximately six miles north of Fresno, Fresno County.

RATES

	Per Service Connection Per Month				(N)
	<u>3/4-inch</u>	<u>1-inch</u>	<u>1 1/2-inch</u>	<u>2-inch</u>	
1. For a single-family residential unit, including premises having an area of:					
8,100 square feet or less . . . . .	\$ 2.90	\$ 2.90			
8,101 to 14,000 square feet . . . . .	4.10	4.10	\$ 5.50		
14,001 to 25,000 square feet . . . . .		5.00	6.50	\$ 8.00	
For each additional single-family residential unit on the same premises and served from the same service connection . . . . .	2.30	2.90	3.25	3.25	
2. For each automobile service station. . . . .	6.00	6.00	8.50	13.50	
3. For each business establishment other than automobile service station. . . . .	3.50	3.50	6.00	7.75	(N)

(Continued)

Schedule No. 2

GENERAL FLAT RATE SERVICE  
(Continued)

SPECIAL CONDITIONS

1. All service not covered by the above classifications shall be furnished only on a metered basis. (D)

2. For service covered by the above classifications, if the utility or the customer so elects, a meter shall be installed and service provided under Schedule No. 1, General Metered Service. If the customer elects metered service, such service will be provided for not less than a 12-months' period before flat rate service may be re-established.