

ORIGINAL

Decision No. 11640

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the filing by )  
ABBOT KINNEY COMPANY, a corpor- )  
ation, of its schedule of rates )  
and regulations for the sale of )  
high pressure salt water, steam )  
and hot water. )

Application No. 7936.

Asa V. Call, for Applicant.  
Chas. W. Lyon, for City of Venice.  
E. W. Savage, for consumers in  
city of Venice.

BY THE COMMISSION:

O P I N I O N

The applicant herein, Abbot Kinney Company, has offered for filing and asks the Railroad Commission to approve a certain schedule of rates, charges and regulations governing the service by applicant of hot water, steam heat and water for fire protection.

Public hearings were held before Examiner Williams in Los Angeles, testimony was taken and exhibits submitted by applicant and the Commission, covering the appraisal and operating expenses of the plant involved in this proceeding, and the matter was thereupon submitted.

Applicant maintains a central station boiler plant in the city of Venice, generating steam for operating fire pumps and for furnishing steam heat to eighteen consumers and hot water service to twenty-nine consumers in the vicinity, as well as for providing hot and cold salt water for use mainly at applicant's beach resort bath house and plunge.

The fire protection service is rendered to the City of Venice and the pleasure pier of applicant, and has previously been provided for under the terms of a certain contract, dated February 6, 1906, but now expired, which prescribed the requirements of the service and fixed the charge therefor. Subsequent to the expiration of this contract the Board of Trustees of the City of Venice, under date of October 31, 1921, ordered that the City of Venice pay to Abbot Kinney Company the sum of \$756.00 monthly for the salt water fire protection service rendered. This charge is materially in excess of the charge previously made under the contract and because of certain protests from tax payers of the City of Venice no payments have been made for this service under the provisions of the order of the Board of Trustees. After careful consideration of the evidence we are of the opinion that, as to this fire-protection service, applicant is not rendering public utility service. This service has been rendered under private contract during the whole period of this company's existence, and no service of this nature is rendered to any other purchaser, nor has there been any offer of such service to the public generally. As to this service applicant is, therefore, not subject to the jurisdiction, regulation or control of this Commission.

It is, however, apparent from the evidence produced at the said hearings, that applicant's service of steam heat and hot water as rendered by applicant is public utility service and is subject to this Commission's jurisdiction.

Applicant now has in effect the following general rates and regulations for steam heat and hot water service:

RATES:

FOR THE SERVICE OF STEAM HEAT

Rate - 22½ cents per square foot of heating surface per month.

FOR THE SERVICE OF HOT WATER

A. Applicable to service to restaurants, barber shops, and other commercial purposes.

Rate - \$6.75 per tap per month where five or less openings are served.  
\$.75 per tap for all in excess of five.

B. Applicable to service to hotels, apartment houses, etc.

Rate - \$.75 per opening per month where nine or more openings are served.

Minimum Charge

\$6.75 per month.

REGULATIONS:

1. Company furnishes hot water and steam heat to its consumers throughout the 24 hours each day.
2. Consumers are required to pay bills for service rendered within thirty days after the first of the month next succeeding furnishing of service. Upon failure to make payment in accord with above rule, service is subject to discontinuance.

The evidence in this proceeding indicates that applicant's proposed rates and charges for steam heat and hot water are not excessive and that they should be approved and accepted for filing.

O R D E R.

Abbot Kinney Company, a corporation, having applied to the Railroad Commission for an order authorizing the filing of its present rates, rules and regulations covering the service of hot fresh water and steam heat to its consumers, and the approval of a certain contract with the City of Venice for fire protection service; hearings having been held and the matter submitted; the Rail-

road Commission being of the opinion that Abbot Kinney Company is a public utility as regards the supplying of service of hot fresh water and steam heat, and being of the further opinion that it is not a public utility as regards the rendering of fire protection service to the City of Venice,

IT IS HEREBY ORDERED that Abbot Kinney Company file with the Railroad Commission within twenty (20) days of the date of this Order, the schedules of rates and charges for steam heat and hot water together with the rules and regulations governing each of the above classes of service hereinafter set forth:

RATES:

FOR THE SERVICE OF STEAM HEAT

Rate - 22½ cents per square foot of heating surface per month.

FOR THE SERVICE OF HOT WATER

A. Applicable to service to restaurants, barber shops, and other commercial purposes.

Rate - \$6.75 per tap per month where five or less openings are served.  
\$ .75 per tap for all in excess of five.

B. Applicable to service to hotels, apartment houses, etc.

Rate - \$ .75 per opening per month where nine or more openings are served.

Minimum Charge

\$6.75 per month

REGULATIONS:

1. Company furnishes hot water and steam heat to its consumers throughout the 24 hours each day.
2. Consumers are required to pay bills for service rendered within thirty days after the first of the month next succeeding furnishing of service. Upon failure to make payment in accord with above rule, service is subject to discontinuance.

The effective date of this Order is hereby designated  
as March 1, 1923.

Dated at San Francisco, California, this 9<sup>th</sup> day  
of February, 1923.

C. Deane  
H. B. Brundage  
Iwing Martin

Commissioners.