

Decision No. 13056.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

BALDWIN PARK DOMESTIC WATER COMPANY, a corporation,)

Plaintiff,)

vs.)

LA RICA WATER COMPANY, a corporation,)

Defendant.)

Case No. 1926.

Hunsaker, Britt & Cosgrove, by R. B. Murphy, for complainant.

F. O. Frazier, for defendant.

BY THE COMMISSION:

O P I N I O N

The above entitled matter is a complaint against the La Rica Water Company relative to a claimed invasion of the area served by Baldwin Park Domestic Water Company.

The complaint alleges in effect that in the early part of June, 1923, the La Rica Water Company began supplying certain individuals with water consumed within a district which subsequent to 1914 has been served exclusively by Baldwin Park Domestic Water Company under rates, rules and regulations prescribed by this Commission.

A public hearing in this proceeding was held in Los Angeles before Examiner Satterwhite, after all interested par-

ties had been duly notified and given an opportunity to appear and be heard.

The Baldwin Park Domestic Water Company is a public utility engaged in the business of supplying water for domestic, irrigation and industrial purposes to more than four hundred consumers in and in the vicinity of the unincorporated town of Baldwin Park, Los Angeles County. Rates to be paid for service rendered by this utility were established by this Commission in Decision No. 10188, dated March 14, 1922.

The La Rica Water Company is also a public utility and furnishes water for irrigation purposes to approximately twenty-five consumers and for domestic purposes to ten families. The area supplied is within the exterior boundaries of the service area of Baldwin Park Domestic Water Company, and the district involved in this proceeding is bounded on the north and west by Covina Boulevard, on the south by La Rica Avenue, and on the east by Main Avenue.

This complaint was filed after five property owners within the district outlined above had constructed a privately owned water main extending from the La Rica Water Company's pumping plant to and through their property, thereafter purchasing water for irrigation purposes from the La Rica Water Company, this water being measured at the utility's pumping station and paid for in accordance with the legal rate schedule established by this Commission in Decision No. 10046, dated February 2, 1922. The construction mentioned consisted of a 12 inch concrete pipe laid during the latter part of May, 1923.

The evidence shows that the Baldwin Park Domestic Water Company installed its water mains to serve the district in question about 1914, and did serve consumers therein with water for both domestic and irrigation purposes up to the time

this 12 inch concrete pipe line was installed. It was also shown that upon the installation of this pipe line the parties who were responsible for its construction have obtained water for irrigation purposes from the La Rica Water Company and for domestic use from the Baldwin Park Domestic Water Company.

The principal reason for the installation of the concrete pipe line was the fact that water for irrigation purposes can be purchased from the La Rica Water Company at a lower rate than from the Baldwin Park Domestic Water Company. Defendants at the hearing made some showing that service from complainant's mains had not been adequate for irrigation purposes. The testimony showed however that no complaint regarding inadequacy of service had ever been made to the utility, which signified its willingness to replace its present pipe lines in this district with lines of much greater size and capacity.

Water for irrigation purposes furnished by La Rica Water Company is in all cases at the utility's pumping plant, the consumers being compelled to construct their pipe lines to this point. Consumers must take their water supply in turn or rotation, notifying the utility in advance that service will be desired at a certain time.

In the case of the service rendered by Baldwin Park Domestic Water Company the utility constructs all distribution pipe lines leading to the consumers' premises at its own expense, the water is furnished under pressure and can be turned on or off at the will of the consumer. Storage is also provided on this system, so that in case of breakdown of the pumping plant consumers will not be without water supply. It is obvious that a utility which is not put to the expense of providing distribution system and storage facilities can furnish a supply cheaper than a company which provides all the appurtenances required

for service direct to the consumer.

After a careful consideration of all the evidence presented it appears that no definite lines can be drawn to separate the areas served by Baldwin Park Domestic Water Company and by La Rica Water Company and that the territory in question in this proceeding is one in which both utilities may serve. In the case of irrigation supply it is obvious that some consumers will choose the cheaper service in spite of the fact that such service is in some respects of an inferior nature. We also conclude that the facts of this case do not present a situation where one utility in constructing or extending its line, plant or system has interfered or is about to interfere with the operations of the system of another utility in a way that would justify an order by this Commission prescribing the terms and conditions for the location of their respective lines. Under the circumstances the complaint should be dismissed.

O R D E R

Complaint having been made as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed in the matter; and basing the order upon the findings and statements of fact contained in the preceding opinion,

IT IS HEREBY ORDERED that the above entitled proceeding be and the same is hereby dismissed.

Dated at San Francisco, California, this 16th day of January, 1924.

C. Seavey

H. B. ...

Irving Martin

Ernest ...

J. T. Whittney

Commissioners