

Decision No. 13088.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of  
SIDNEY SMITH,  
doing business under the fictitious  
name of HOME GARDENS WATER COMPANY,  
for an order, authorization, permis-  
sion, and certificate of public con-  
venience, permitting, authorizing  
and allowing the said Sidney Smith  
under the name of Home Gardens Water  
Company, to furnish and deliver wa-  
ter to the public.

Application No. 9568.

F. E. Davis and L. E. Dadmun,  
by L. E. Dadmun, for applicants.

E. W. Bush, for Home Gardens Improve-  
ment Association.

BY THE COMMISSION:

O P I N I O N

In the above entitled application Sidney Smith, oper-  
ating under the fictitious name of Home Gardens Water Company,  
asks for authority to distribute and sell water for domestic  
purposes to residents of Home Garden Acres, being Tracts Num-  
bers 4707, 4987, 5248, 5280, 5772 and 6666, in Los Angeles Coun-  
ty. The Commission is also asked to establish rules and regula-  
tions and to permit the collection of the following schedule of  
rates for service rendered:

MONTHLY FLAT RATE

For 3/4 inch service connection. . . . . \$1.50

MONTHLY METER RATE FOR 5/8 & 3/4 INCH METER

|   |        |
|---|--------|
| 500 cubic feet or less . . . . .                | \$1.00 |
| From 500 to 1000 cubic feet, per 100 cubic feet | .20    |
| From 1000 to 2000 " " " 100 " "                 | .15    |
| All over 2000 " " " 100 " "                     | .10    |

A public hearing in the matter was held before Examiner Williams at Los Angeles, after due notice thereof had been given so that all interested parties might appear and be heard.

The testimony shows that this water system was installed, to aid in the sale of lots in the Home Gardens Tract, through an agreement between Sidney Smith and the J. D. Millar Realty Company. The contracts delivered to purchasers of lots contained a clause providing for free service of water up to July 1st, 1923, and the installation of the necessary service connection at the expense of the consumer. Subsequent to July 1, 1923, applicant acquired and has since operated this water system and has attempted to charge for water service at the same rate as requested in the application. At the present time water is served to approximately 683 consumers and it is the desire of applicant to carry on the business as a public utility, and make charges for water delivered in accordance with the rate schedule set out in the application and under rules and regulations prescribed by the Railroad Commission.

Applicant testified at the hearing that a full return upon the investment is not now expected, and an examination of the proposed schedule indicates that the rates set out therein are in many respects lower than the charges made by other utilities operating in the immediate vicinity and under like conditions. The rules and regulations contained in the application do not conform in all respects to the general practices of the Commission, but this matter may be settled informally, as provided for in the accompanying order.

The testimony submitted by some of the consumers on the system indicates that inadequate service has been rendered

in some instances. Applicant stated that no complaints had been received, and expressed a willingness to make any changes in the system necessary to provide adequate service to all consumers.

No other utility is supplying water in this territory, and no one appeared to protest the issuance of a certificate of public convenience and necessity. It appears that the application should be granted.

O R D E R

Sidney Smith, operating under the fictitious name of Home Gardens Water Company, having made application to the Railroad Commission 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,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity require and will require that Sidney Smith, doing business under the fictitious name of Home Gardens Water Company, operate a public utility to supply water for domestic purposes in the tract of land known as Home Garden Acres Tract, more particularly described as Tracts 4707, 4987, 5248, 5280, 5772 and 6666, in Los Angeles County.

IT IS HEREBY ORDERED that Sidney Smith, doing business under the fictitious name of Home Gardens Water Company, be and he is hereby authorized to file with this Commission within twenty (20) days from the date hereof the following schedule of rates to be charged for all water delivered to consumers subsequent to February 29, 1924.

MONTHLY FLAT RATE

For service from a 3/4 inch connection . . . . . \$1.50

MONTHLY METER RATES

|   |        |
|---|--------|
| 500 cubic feet or less . . . . .                | \$1.00 |
| From 500 to 1000 cubic feet, per 100 cubic feet | .20    |
| From 1000 to 2000 " " " 100 " "                 | .15    |
| All over 2000 " " " 100 " "                     | .10    |

IT IS HEREBY FURTHER ORDERED that Sidney Smith, doing business under the fictitious name of Home Gardens Water Company, be and he is hereby directed to file with this Commission within thirty (30) days from the date of this order rules and regulations to govern relations with consumers, such rules and regulations to become effective upon their acceptance by this Commission.

Dated at San Francisco, California, this 28<sup>th</sup> day of January, 1924.

C. Shaw  
H. B. [unclear]  
Irving Martin

Commissioners.