

Decision No. 13237.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
CITY OF RICHMOND,
a municipal corporation, for an order
permitting the East Bay Water Company
to lay mains in territory of the Pull-
man Water Company.

ORIGINAL

Application No. 9508.

D. J. Hall, for City of Richmond.

McKee, Tasheira and Wahrhaftig, by Matt. Wahrhaftig,
for East Bay Water Company.

C. D. Horner, for Pullman Water Company.

WHITTLESEY, Commissioner:

O P I N I O N

The application in this proceeding is filed by the City of Richmond, a municipal corporation, and alleges in effect that the East Bay Water Company and the Pullman Water Company are both public utilities serving water in certain contiguous territory within the corporate limits of the City of Richmond, in Contra Costa County; that the Pullman Water Company, owned and operated by Fred Meyers, is unable to furnish water in sufficient quantity or at the necessary pressure for fire protection purposes; and that a large number of the consumers who receive water from the Meyers system and who live in the vicinity of Barrett Avenue and also those living near South and Wall Streets are desirous of having fire hydrants installed and mains of sufficient size laid to

provide water for fire protection. The application further alleges that the East Bay Water Company is able and willing to install the necessary mains and fire hydrants to serve the two sections above, provided however it is also permitted to serve water for domestic and other purposes to any consumers desiring such service from the proposed mains. The Commission is therefore asked to grant authority to the East Bay Water Company to install the two mains as indicated above and supply water for both fire protection and domestic purposes in the territory now served with domestic water only, by the Pullman Water Company.

A public hearing in this matter was held at Richmond after all interested parties had been duly notified and given an opportunity to appear and be heard.

The water supply of the Pullman Water Company is obtained entirely by pumping from wells. The limited storage facilities provided for the territory involved herein consist of three wooden tanks of low elevation having a combined capacity of 35,000 gallons. The distribution mains contain a large amount of two inch and smaller sized pipe extending over wide and scattered service areas which are sparsely settled. Such conditions make it economically unfeasible so to improve this system as to provide a reasonably adequate service for fire protection purposes. On the other hand the mains of the East Bay Water Company completely surround the territory served by the Pullman Water Company, and carry a normal working pressure varying from 50 to 75 pounds per square inch, and are capable of supplying water in sufficient volume for fire service.

Unquestionably the citizens of the City of Richmond residing in the territory supplied with water by the Meyers sys-

ten are very urgently in need of and are rightfully entitled to adequate and necessary protection of their homes and property from the ravages of fire. It is equally clear that such service cannot be economically rendered by the Pullman Water Company, which according to the evidence offers no objections to the proposed extensions provided their use is confined strictly to the serving of water for fire protection purposes only.

The arrangements under which the East Bay Water Company has agreed to install the mains requested above, among other things provide that for the fire protection service to be rendered, the City of Richmond shall pay annually an amount equal to eight per cent. of the actual cost of installation, less such amounts, if any, as may be received as revenues from those mains for domestic or other water service.

Adequate water service from the standpoint of both the community and the consumers includes domestic and fire uses and if both are not adequate the community may reasonably request additional service. This Commission has properly protected a utility from competition by preventing invasion of its territory by another company but only when that utility can and does adequately serve the community. Where, as in this case, it does not and can not furnish proper service this Commission will not permit a monopoly of the streets, to the discomfort or injury of the public. Therefore, the East Bay Water Company will be permitted to enter the territory now served by the Pullman Water Company, to the extent set out in the accompanying order, so that the public needs may be adequately served.

O R D E R

The City of Richmond, a municipal corporation, having made application as entitled above, a public hearing having been held thereon and the Commission being now fully informed in the matter,

It Is Hereby Found as a Fact that public convenience and necessity require and will require in the territory now served with domestic water by the Pullman Water Company, the installation by the East Bay Water Company of such mains and hydrants as are more particularly described in the application herein, for the purpose of delivering water for public purposes and domestic consumption.

And basing its order upon the foregoing finding of fact and upon the statements of fact contained in the opinion which precedes this order,

IT IS HEREBY ORDERED by the Railroad Commission of the State of California that the East Bay Water Company be and it is hereby authorized to install, in the territory now served with domestic water by the Pullman Water Company in the City of Richmond, Contra Costa County, for public purposes and domestic consumption, the mains and hydrants more particularly described in the application herein, provided the East Bay Water Company purchase, at the present fair value, from the Pullman Water Company, the mains, services and meters displaced by the former company, or such part of said equipment as the Pullman Water Company may desire to sell.

The foregoing opinion and order are hereby approved

and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 4th day of March, 1924.

W. A. Sawyer

Dwight M. Weston
Egerton Shore

J. T. Whittelsey
Commissioners.