

Decision No. 13498.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the Matter of the Application of the )  
LOOKOUT MOUNTAIN PARK LAND & WATER CO., )  
a corporation; TED W. HAAS, ROGER L. )  
DENNIS and M. C. SMITH, for an order )  
authorizing the sale and purchase of a )  
water plant and equipment - a public )  
utility. )

Application No. 9769.

B. P. Oakford for applicant.

BY THE COMMISSION:

O P I N I O N

In this application Lookout Mountain Park Land and Water Company, a corporation, asks authority to transfer for a consideration of \$7,500, its public utility water system supplying consumers in what is known as Lookout Mountain Park Tract, Los Angeles County, to Ted W. Haas, Roger L. Dennis and M. C. Smith, who join in the application.

A public hearing in the above entitled proceeding 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. At the hearing a supplemental application on behalf of both parties was filed, in which the name of Wesley J. Hommel was substituted for that of Roger L. Dennis.

The testimony shows that Ted W. Haas, Wesley J. Hommel and M. C. Smith have purchased the remaining unsold lots of the

Lookout Mountain Park Tract and 160 acres of adjacent land owned by Lookout Mountain Park Land and Water Company. The public utility water system, with the exception of the land upon which the pump, well and reservoir are located, is included in the transfer, and Lookout Mountain Park Land and Water Company proposes to lease this portion of the public utility property to Hass, Hommel and Smith for a period of three years, or "until the City of Los Angeles is ready to and does supply water to the tracts supplied by said public utility or until water from some other source is supplied to the said tracts".

At the hearing F. H. Van Hoesen, one of the Commission's hydraulic engineers, directed attention to the fact that there was an acute water shortage on this water system during the summer of 1923 and that no adequate measures had been taken to provide a permanent additional water supply. Investigations by the Commission's hydraulic engineers indicate that it is almost hopeless to expect further development of a water supply within the area served, and that an adequate supply can only be obtained by bringing in water from some source outside the tract.

In view of the fact that there was an acute water shortage in 1923 and that an additional water supply is urgently required by this utility, it is incumbent upon the company to make at once adequate provisions for the future. It is evident that the present maximum water supply available for use during the summer is barely adequate for the consumers now being served, and that the taking on of additional consumers would injuriously affect all those now receiving service. For this reason no additional consumers should be added to the system until the utility has made arrangements to enlarge its supply to adequate proportions for the entire

tract. The order will accordingly be expressly conditioned upon the filing with this Commission by the applicants herein, within thirty (30) days of the date of this order, of plans and specifications for the securing of an increased water supply, and will be further conditioned upon the filing within ten (10) days from the date of this order, of a stipulation to the effect that no additional consumers will be connected to the mains of the utility except upon the approval of this Commission.

No one appeared to oppose the granting of the application and it is evident that the best interests of the consumers will in no way be affected adversely by the granting of the application under the restrictions set out in the accompanying order.

#### O R D E R

Lookout Mountain Park Land and Water Company, a corporation, Ted W. Haas, Wesley J. Hommel and M. C. Smith having made application to this 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,

IT IS HEREBY ORDERED that Lookout Mountain Park Land and Water Company, a corporation, be and the same is hereby authorized to transfer to Ted W. Haas, Wesley J. Hommel and M. C. Smith that certain public utility property more particularly described in this application and under the terms and conditions set out therein, subject to the following further conditions:

1. The authority herein granted shall apply only to such transfer as shall have been made on or before August 31, 1924, and a certified copy of the instrument of conveyance shall be filed with this Commission by Lookout Mountain Park Land and Water Company, a corporation, within thirty (30) days from the date on which it is executed.

2. Within ten (10) days from the date on which Lookout Mountain Park Land and Water Company actually relinquishes control and possession of the property herein authorized to be sold, it shall file with this Commission a certified statement indicating the date on which such control and possession was relinquished.
3. The consideration given for the transfer of this property shall not be urged before this Commission or any other public body as a finding of value for rate fixing or for any purpose other than the transfer herein authorized.
4. Within ten (10) days from the date of this order Ted W. Haas, Wesley J. Hommel and M. C. Smith shall file with this Commission a stipulation to the effect that no additional consumers shall be connected to the mains of this utility except upon written approval by this Commission.
5. Within thirty (30) days of the date of this order Ted W. Haas, Wesley J. Hommel and M. C. Smith shall file with this Commission, for its approval, plans and specifications for securing an increased water supply.

Dated at San Francisco, California, this 12th day  
of May —, 1924.

O. A. Seaver

Irving Martin

Egerton Shore

J. M. West  
Commissioners.