Decision No. 13549

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

M. PEIA, ot al.,

Complainants,

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OWEN E. WYATT, RYALL CARMELL, JESE BLIN, doing business under the firm name of The Southland Home Water Company,

Defendants.

L. Poia, in proprie persona Chas. E. Eobart, for Defendants.

Case No.

BY THE COMMISSION:

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In this proceeding a number of consumers receiving water from the domestic system installed by defendants in connection with a real estate subdivision have esked the Commission to prescribe reasonable rates and rules and regulations for the service of water furnished by means of this system. The defendants allege that the water system in question has never been operated as a public utility, but that it was laid out with the intention that a matual water company should be organized by the purchasers of land in the tract served, which would eventually take over and operate the system.

A public hearing was held and evidence submitted on behalf of both plaintiffs and defendants. Upon request of the parties, the proceeding was then held in abeyance, pending negotiations for the appraisal of the property and its purchase by the consumers.

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The Commission has not been advised of the outcome of these negotiations, and more than a resconable time having elapsed, the matter has been ordered submitted.

The record clearly shows that the contention of the defendents must be sustained. There is nothing to indicate that these defendants ever undertook to operate a Water System for the sale or delivery of water to the public, or any portion thereof, as a public utility. All of the water which was furnished by this system was delivered without charge to the consumers. In view of these facts, we conclude that the Commission is without jurisdiction, and that the complaint should be dismissed.

ORDER

IT IS HEREBY ORDERED that the complaint herein be, and the same is hereby dismissed.

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

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