

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation	)	
upon the Commission's own motion	)	
into the rates, tolls, rentals, charg-	)	
es, classifications, contracts, prac-	)	Case No. 2206.
tices, rules and regulations of the	)	
SUSANVILLE WATER COMPANY,	)	
a public utility.	)	

James A. Pardee, for Susanville Water Company,  
defendant.

FOUNDICE, Commissioner:

O P I N I O N

This is an investigation on the Commission's own motion into the rates, charges, practices, rules and regulations, etc., of the Susanville Water Company, a public utility owned and operated by F. P. Cady and serving water for domestic and commercial purposes to the residents in and about the town of Susanville, in Lassen County. This proceeding resulted from the refusal of the Susanville Water Company to comply with instructions issued by this Commission directing it to resume water service to the premises occupied by one J. C. Brokaw, a consumer, whose water supply had been shut off as a result of a disagreement arising over a bill rendered for prior water service. The Commission made its order, dated December 21, 1925, directing the Susanville Water Company to appear before the Commission on the 29th day of December, 1925, in San Francisco, to show cause, if any it had, why it should not be directed to reconnect service to the premises of J. C. Brokaw and why such other

and further relief as the Commission might deem meet in the premises should not be ordered by the Commission.

A public hearing in this matter was held in San Francisco on the 29th day of December, 1925, at which there appeared F. P. Cady, owner and operator of the Susanville Water Company, represented by his counsel, James A. Pardee.

The evidence shows that on August 3, 1925, J. C. Brokaw, a resident of Susanville and a consumer of defendant water company, filed with this Commission, by letter, an informal complaint against the Susanville Water Company alleging that the same metered service connection supplying water to his premises also was connected to and served the premises of his next-door neighbor, W. M. Vellenoweth, the two houses being owned by the same landlord; that a charge of one dollar per month was deducted from his water bill for the service rendered the neighbor; that for a considerable period complainant's water bill had not been in excess of one dollar per month until the month of July, 1925, for which period the bill rendered amounted to \$5.35. This matter was taken up with the company by the Commission's informal complaint department, as the result of which Brokaw, on September 14, 1925, deposited the disputed amount of \$5.35 with the Commission for adjustment, as provided in the rules and regulations of the Susanville Water Company and in accordance with the established practice of the Commission.

In view of the fact that two consumers were served by the same connection, and that the responsibility, if any, for the use of water could not be determined as between these two users, the informal complaint department decided that a proper charge for the service rendered during July, 1925, would be one dollar, which had been the amount of Brokaw's water bill for each of the nine months immediately preceding. Accordingly the company was sent

one dollar of the amount on deposit with the Commission, and the remainder was refunded to the consumer. The water company declined to accept this informal adjustment, and on October 25, 1925, billed Brokaw for the remaining \$4.35 as an unpaid bill, at the same time giving him notice to the effect that if this account was not paid within fifteen days after the first of the following month the service would be disconnected under the company's Rule 8-A, which in effect provides for the shutting off of water for the non-payment of bills in general where no deposits have been made with the Commission pending an adjustment. Brokaw refused to pay the amount in dispute and the company disconnected the water service on November 17, 1925. Thereafter, on December 21, 1925, the Commission issued its order instituting this proceeding.

At the hearing the company agreed to resume service at once to the premises occupied by Brokaw, which service, according to advice received subsequent to the submission of this matter, was resumed on December 29, 1925. The company was in error in disconnecting the water in view of the fact that the consumer Brokaw had deposited with the Commission the amount of the disputed bill and so complied with Rule 10 of the company, which rule provides as follows:

RULE AND REGULATION NO. 10  
DISPUTED BILLS

"In case of a dispute between the consumer and the Company as to the correct amount of any bill rendered by the Company for water service furnished to the consumer, the consumer will be notified by the Company to deposit with the Railroad Commission of the State of California the amount claimed by the Company to be due. Upon receipt of said deposit, the Commission will investigate the facts and communicate its findings to the parties.

"Failure on the part of the consumer to make such deposit within 15 days after written notice by the Company that such deposit must be made, or service may be discontinued, shall warrant the Company in disconnecting the service to the consumer without further notice."

The adoption by the company of such a rule necessarily

results in precluding it from turning off the water of a consumer who has failed to pay his bill but has complied with said rule.

Inasmuch as there was but one metered service connection supplying the premises of J. C. Brokaw and the premises of his neighbor, W. M. Vellenoweth, it was impossible from the evidence to determine definitely the responsibility of each consumer for the water which passed through the meter. Considering the impossibility of definitely determining the actual facts, it appears fair to the Commission that the responsibility for the use of the water as recorded by the meter for the month of July should be divided equally between the two consumers and the water company. It follows, therefore, that Brokaw should be required to pay one third of the bill in question, or one dollar and seventy-eight cents.

The Commission has on deposit one dollar, belonging to Brokaw, which it will forward to the company with instructions to bill the said Brokaw for the additional seventy-eight cents in accordance with the terms of the following order.

#### O R D E R

The Commission having instituted an investigation upon its own motion into the reasonableness of the rates, tolls, rentals, charges, classifications, contracts, practices, rules and regulations of the Susanville Water Company, and particularly into the discontinuance of service to a certain consumer upon its system, 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 within thirty (30) days from the date of this order the Susanville Water Company install a separate service connection for the purpose of supplying only the premises occupied by J. C. Brokaw at the location referred to in

the opinion which precedes this order, and that this Commission be notified in writing within a period of five (5) days after the installation, of its compliance with this order; provided, in case the above separate service connection has already been installed, said Susanville Water Company so notify the Commission in writing within five (5) days after the receipt of this order.

IT IS HEREBY FURTHER ORDERED that within ten (10) days from the date of this order Susanville Water Company deliver to its consumer, J. C. Brockaw, a revised bill for water service furnished to him for the month of July, 1925, not exceeding the total sum of seventy-eight cents (\$0.78), to be due and payable on the first day of April, 1926, after which, if the said amount be not paid, it shall be considered delinquent according to the general rules and regulations of the said company; and that said Susanville Water Company notify this Commission in writing on or before the first day of May, 1926, as to its compliance with the terms of this order and as to the status of the account of and the service rendered to the said J. C. Brockaw.

The effective date of this order shall be twenty (20) days from and after the date hereof.

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 25<sup>th</sup> day of March, 1926.

H. B. Brundage  
Chairman  
Edward J. [unclear]

Commissioners.