

Decision No. 18865

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ESSIE A. CALLAHAN,  
Complainant

vs.

HAINES CANYON WATER COMPANY,  
a corporation,  
Defendant.

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ORIGINAL

Case No. 2174

Bicksler, Smith & Parke, by Dale H. Parke,  
For Complainant.

Evans, Pearce & Campbell, by William E. Evans,  
For Defendant.

BY THE COMMISSION:

O P I N I O N

The plaintiff herein, after having been refused water service to her property by the defendant, a water utility doing business in and around Tujunga, California, brought this complaint alleging the above refusal of service and requesting that this Commission make an order directing the said defendant to render such service. The defendant in its answer set up the defense that the property of the plaintiff is not within the area to which water service has been dedicated by it.

Public hearings were held before Examiner Williams at Los Angeles.

The sole question to be determined is whether the plaintiff's property is located within the area to which the defendant has dedicated its properties for the rendering of its

utility water service. The record, we find, is very clear on this point. The President of the defendant company, Mr. H. B. Lynch, testified that the company had dedicated to serve in the neighborhood of the district in which the plaintiff's property is situated; that to serve plaintiff's property would be simple, requiring only the installation of a tap line, there being a main service pipe running in the middle of the street fronting her property; that this main service pipe feeds at the present time thirteen consumers; that these same consumers are in the immediate vicinity of plaintiff's property, two being almost directly across the street and two immediately south thereof, one of the latter being immediately adjacent. All of these facts are substantiated by an exhibit furnished by the company and filed as Commission's Exhibit "F", showing in detail the service connection of the company. This exhibit further shows that within an approximate radius of 1000 feet of the plaintiff's property, the company has fifty-four service connections. A ten foot strip of property contiguous to plaintiff's property and at one time a portion of plaintiff's lot which was deeded by plaintiff to one Shaw is receiving water at the present time.

In addition other substantial evidence is found in this record showing in our opinion that the property of the plaintiff's must be held to be within the area of dedication of this utility. Of particular importance is Commission's exhibit "F", a map which was originally filed by this Defendant in Case No. 1720 before this Commission, entitled "O'Rourke v. Haines Canyon Water Company". That case was similar to the present case, the complaint having alleged refusal of service by the company with the prayer for an order to compel the rendering of same and the answer having set up the defense of no dedication. This map was introduced by this Defendant in that proceeding for the alleged purpose of showing that the O'Rourke

property was not within its area of dedication. It purported to show in outline what the area of dedication was at that time. The property of the plaintiff herein was included within the area of dedication on that map and while an attempt was made in this proceeding to show that that inclusion was erroneous, we cannot accept such an excuse, nor can a public utility be allowed to blow hot and cold with reference to prospective consumers whose lands lie within the general area within which it serves. From the record it further appears that to supply the plaintiff would not injuriously withdraw the water supply, wholly, or in part, from those who are presently being supplied by the Defendant, and the president of the company admitted that there was an available and adequate water supply.

We are of the opinion that the lands of this plaintiff are within the area to which the defendant company has dedicated its service and that the latter should be directed to render the service as requested in the complaint. An order will be entered accordingly.

#### O R D E R

Public hearings having been held in the above entitled proceeding, the matter having been duly submitted, and the Commission being now fully advised,

WE HEREBY FIND AS A FACT that the property of the plaintiff as to which service is herein prayed, is located within the immediate district to which the Defendant Company has dedicated water service; that to supply Plaintiff will require only a reasonable extension by the Defendant Company; that the Plaintiff is entitled to receive water service from the Defendant Company, and that to supply the Plaintiff with such service will not

injuriously withdraw the supply wholly or in part from those who are now being served by the Defendant, wherefor,

IT IS HEREBY ORDERED that within thirty (30) days from and after the date hereof, Defendant Haines Canyon Water Company complete all necessary connections to render possible the rendering of the water service prayed for herein, and that it then proceed at once to render such service upon and under its regularly filed schedule of rates and its regularly filed rules and regulations.

Dated at San Francisco, California, this 8<sup>th</sup> day of

June, 1926.

H. B. Brundage

C. Seaver

Leon Whitell

Commissioners