

Decision No. 17075

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ESSIE A. CALLAHAN,

Complainant,

v.

HAINES CANYON WATER COMPANY,
a corporation,

Defendant

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: Case No. 2174

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BY THE COMMISSION:

ORDER DENYING REHEARING

An application for a rehearing was filed on June 30, 1926, by the defendant in the above entitled matter, alleging that this Commission's Opinion and Order, No. 16865, dated June 8, 1926, is against the law and the evidence adduced herein.

The Commission ordered this public utility water company to extend its water service to the property of the plaintiff, which property was found to be within the area to which the defendant had dedicated its water service. The defendant, in its application for a rehearing, alleges that since no money or other consideration was given to defendant in return for such dedication, no inference thereof may lawfully be raised.

This Commission has never recognized the principle of payment in return for dedication by a utility. Dedication is a question of fact, not one of payment. From the evidence before us we found that the defendant had undertaken to serve as a water utility within the general area or district in which the property of the plaintiff is situated; that to serve this property would require only a reasonable extension; that plaintiff as owner of such property is entitled to such service from the defendant, and that to serve such property would not injuriously withdraw the water supply wholly or in part from those who are now being served by the defendant. We believe that nothing has been shown which would or can in any manner affect the conclusions thus arrived at by this Commission.

WHEREFORE, no good cause appearing.

IT IS HEREBY ORDERED that the said application for a rehearing be, and the same is hereby denied.

Dated at San Francisco, California, this 3d day of July, 1926.

H. B. Brundage
C. C. Lacey

Leon A. Whisell

Commissioners.