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Decision No. 17907

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Investigation on )  
the Commission's own motion of the )  
reasonableness of the rates, charges, )  
practices, contracts, rules, regulations, )  
schedules and conditions of service, or ) Case No. 2277.  
any of them, of E. L. McCAPES, operating )  
a public utility water system in the Town )  
of Raymond, Madera County, California. )

BY THE COMMISSION:

S E C O N D  
SUPPLEMENTAL OPINION AND JUDGMENT

This Commission, by its Decision No. 17696, rendered in the above-entitled Case No. 2277, under date of December 2, 1926, adjudged and decreed E. L. McCapes to be guilty of a willful contempt of this Commission in disobeying its order made in said matter on the first day of October, 1926 (Railroad Commission Decision No. 17408) by failing and refusing to re-establish the public utility domestic water service to T. M. Nicholas, one of his consumers on his water system in the Town of Raymond, Madera County, California.

In said Decision No. 17696 it was ordered and decreed that for his contempt of the Railroad Commission, as aforesaid, the said McCapes be punished by a fine of twenty dollars (\$20.00) to be paid by him to the Secretary of the Railroad Commission of the State of California within ten (10) days from the date of said decision, and in default of payment thereof that he be committed to the County Jail of the County

of Madera, State of California, until such fine be paid at the rate of one day's imprisonment for each two dollars (\$2.00) of said fine.

Upon the application of said E. L. McCapes, the Commission modified its Decision 17696 rendered in the above-entitled case by the issuance of its Supplemental Opinion and Judgment (Railroad Commission Decision 17753, dated the 13th day of December, 1926) wherein E. L. McCapes was granted an extension of time to and including January 12, 1927, in which to pay the fine imposed upon him by Decision 17696.

It appears from the official records of the Commission that E. L. McCapes has failed and neglected to comply with the order contained in Railroad Commission Decision 17696 as modified by Decision 17753 in that he has failed to pay to the Secretary of the Railroad Commission of the State of California the sum of twenty dollars (\$20.00) within the time prescribed in the orders contained in said decisions, or at any other time, or at all. It follows, therefore, that E. L. McCapes should be committed to the County Jail of the County of Madera, State of California, until such fine is paid at the rate of one day's imprisonment for each two dollars (\$2.00) of said fine, and the following order will so provide.

#### SUPPLEMENTAL ORDER

The Railroad Commission by its Decisions 17696 and 17753 rendered in the above entitled matter having ordered, adjudged and decreed that E. L. McCapes pay to the Secretary of the Railroad Commission of the State of California the sum of twenty dollars (\$20.00) on or before January 12, 1927, and having provided that in default of payment thereof that he be committed to the County Jail of the County of Madera, State of California, until such fine be paid at the rate of one day's imprisonment for each two dollars (\$2.00) of said fine, and E. L. McCapes having failed and neglected to pay the amount of said fine to the Secretary of the

Railroad Commission of the State of California on or before January 12, 1927, or at any other time, or at all.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that E. L. McCapes be committed to the County Jail of the County of Madera, State of California, until the fine of twenty dollars (\$20.00) above referred to is paid at the rate of one day's imprisonment for each two dollars (\$2.00) of said fine.

IT IS HEREBY FURTHER ORDERED that the Secretary of the Railroad Commission deliver to the Sheriff of the County of Madera, State of California, certified copies of Railroad Commission decisions 17696, 17753 and of this Decision (17907) and that the said Sheriff proceed at once to enforce the order herein above contained.

Except as modified herein Railroad Commission Decisions 17696 and 17753 shall remain in full force and effect.

Dated at San Francisco, California, this 14<sup>th</sup> day of January, 1927.

*E. L. McCapes*

*A. L. Seaver*

*Frank R. ...*  
Commissioners