

Decision No. 18563

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

E. J. NESTOR,

Complainant,

vs.

SAMUEL E. GERSON and ALBERT E. HARRIS, individually and as co-partners doing business as WESTCO CHIPPEWA PUMP CO., and SAMUEL E. GERSON, doing business as the GERSON WATER COMPANY,

Defendants.

Case No. 2293.

C. Roy Smith, for Complainant.

Phil Jacobson, for Defendants.

BY THE COMMISSION:

O P I N I O N

T.J. Nestor, complainant in the above entitled case, is the original owner and subdivider of Tracts No. 6627 and No. 7148, in Los Angeles County, which are supplied with water by Samuel E. Gerson, doing business under the fictitious firm name and style of Gerson Water Company, and in his complaint alleges in effect that he is a consumer of this utility; that defendants have failed to pay the Southern California Edison Company for power furnished, resulting in the shutting off of the power and leaving the residents of said tracts without water until complainant himself paid the bill and induced the power company to resume service; that defendants now refuse to reimburse complainant for the money so paid to the power company; that defendants do not maintain an office on

or near the tracts served, making it practically impossible to obtain service connections for many weeks after application therefor has been made; and that the system is neglected to such an extent that serious leaks have been allowed to run for months before repairs have been made. Complainant therefore requests the Commission to order defendant to make the necessary improvements to his system and operating methods to relieve the conditions complained of.

Defendants made no answer to the complaint.

A public hearing in this matter was held before Examiner Williams at Los Angeles, after all interested parties had been duly notified and given an opportunity to appear and be heard.

From the evidence it appears that this utility is owned and operated by Samuel E. Gerson and is not in any manner whatsoever a part of the properties or business of Westco Chippewa Pump Company, a copartnership composed of said Samuel E. Gerson and Albert E. Harris. As to said Harris and the pump company therefore, this complaint may be dismissed.

Defendant Gerson admitted that the allegations set out in the complaint were true and explained that his failure to properly maintain and operate his water system was the result of recent severe financial reverses which he has suffered and which have resulted in legal attachment against all of his property, making it impossible for him either to dispose of his utility interests or obtain the funds necessary to carry on the business, the revenues from which are not sufficient to properly cover the operating costs.

From the testimony it appears that arrangements have now been made to cover the necessary repairs and continue the operation of the system until such time as the legal disabilities have been removed permitting defendant to assume full control over his

properties.

On December 1, 1926, the Commission upon its own motion instituted an investigation into the affairs of the defendant in so far as they related to his public utility operations.

In view of the unfortunate and unusual circumstances involving defendant, there is little that can be done at this time. The most serious causes of complaint having now been remedied as far as present conditions will permit, it appears therefore that this case may be dismissed. The matter of the investigation on the Commission's own motion, however, will be retained in its present status until such time as the entire matter may be satisfactorily disposed of. However, in the meantime, defendant should take immediate steps to appoint someone living at a point readily accessible to the tracts served, who can receive payments for water bills, accept and take care of applications for new service connections and who can receive complaints and take charge of emergency repairs and other such kindred matters.

O R D E R

T.J. Nestor having made complaint against Samuel H. Gerson, doing business under the fictitious firm name and style of Gerson Water Company, a public hearing having been held, the matter having been submitted and the Commission being now fully advised thereon,

IT IS HEREBY ORDERED that the above entitled proceeding be and it is hereby dismissed.

Dated at San Francisco, California, this 28th day of

June, 1927.

Wm. W. [Signature]
H. H. [Signature]
C. [Signature]
Thos. [Signature]
Commissioners.