

Decision No. 20475

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

O.P. GOODE,

Complainant,

vs.

WESTERN WATER COMPANY and
E.P. HECK,

Defendants.

Case No. 2529.

H.G. Baron and W. Irwin, for Complainant.
E.F. Brittain, for Defendant E.P. Heck.
W.A. Howell, for Defendant Western Water Company.

BY THE COMMISSION:

O P I N I O N

The above entitled complaint of O.P. Goode was filed with the Commission on April 12, 1928, which was during the pendency of another complaint of Fairey, et.al., vs. E.P. Heck, Case No. 2460. Thereupon, the two cases were heard in Fellows on May 24, 1928, but not consolidated for decision.

E.P. Heck operates a public utility water system in the town of Fellows. The complainants in the case of Fairey vs. Heck introduced evidence tending to show that O.P. Goode, the complainant herein, might also be serving water to certain consumers in Fellows as a public utility. Mr. Goode then testified as to the nature of his service, explaining that he, himself, is a consumer of water from the Western Water Company through a private line built at his own expense in 1910 to pro-

vide water for his cattle ranch. This line is partly within the town of Fellows. Several other persons living near Mr. Goode have, at their own expense and with his consent, joined on to Mr. Goode's private water line and they now receive water from the Western Water Company at its industrial rate of 2-3/4 cents per barrel.

In this complaint, Mr. Goode alleges that defendant Heck has threatened to install a pipe line to complainant's premises and to compel him to take water from the Heck system and to discontinue service received from the Western Water Company, and that such a change would result in complainant paying a much higher price for water. The Commission is asked to enjoin the Western Water Company from discontinuing the present service and to enjoin E.P. Heck from taking over the service. At the hearing, the complaint was amended to include as parties complainant seven consumers who are attached to Mr. Goode's line. The defendants deny generally the allegations set out in the complaint.

There is no evidence that either E.P. Heck or the Western Water Company have, at any time, interfered with or threatened to interfere with or discontinue complainants' water service from the present source. Mr. Goode has not himself undertaken to conduct a public utility service. The several consumers who are taking water through his private line are doing so at his sufferance. Neither has the Western Water Company manifested any intention of invading the territory served by E.P. Heck by the installation of its own distribution system in any part of the town of Fellows. The complaint will be dismissed.

O R D E R

O.P. Goode having filed formal complaint as entitled

above, a public hearing having been held thereon, the matter having been submitted and the Commission being fully advised in the premises,

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

Dated at San Francisco, California, this 30th day of October, 1928.

C. A. ...

W. S. ...

W. A. ...
Commissioners.