

Decision No. 22249

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

A.D. EDWARDS,  
Complainant,

vs.

CALIFORNIA-MICHIGAN LAND  
AND WATER CO.,

Defendant.

Case No. 2805

ORIGINAL

A.D. Edwards, for Complainant.

Richard Goodspeed, for Defendant.

BY THE COMMISSION:

O P I N I O N

A.D. Edwards, a consumer receiving water service from the California-Michigan Land and Water Company, a corporation, engaged in the business of supplying water for domestic and other uses in and near that certain section of Los Angeles County known as Michillinda, alleges that from September, 1927, to September, 1929, defendant has overcharged him for water service rendered to his premises located at the southwest corner of Baldwin Avenue and Duarte Road, Los Angeles County, and the Commission is asked to order defendant to refund the sum of thirty-six dollars and ninety-six cents (\$36.96), which amount it is claimed he was charged and has paid under protest in excess of the regularly established rates for such service during said period. No formal answer was filed by defendant.

A public hearing in this matter was held before

Examiner Gannon at Los Angeles.

The evidence indicates that A.D. Edwards is the owner of a store-building supplied with water by defendant company, which building is divided into seven stores or units, each of which is occupied by a separate business. The above building was completed in 1924 and, as there were no provisions in the company's rules and regulations specifically covering this situation, an arrangement was agreed to by and between complainant and defendant whereby the entire building would be served through a single metered service connection, said complainant agreeing to be responsible for the payment of the water bills. Acting through advice given informally by letter from this Commission, the complainant was billed for one metered service with the addition of six minimum monthly charges, or one such minimum charge for each store or unit actually occupied, based upon the following schedule of rates in effect on this water system:

MONTHLY MINIMUM RATES

5/8 and 3/4-inch meters-----	\$1.00
1-inch meters-----	1.50
1 1/2-inch meters-----	2.00
2-inch meters-----	2.50

QUANTITY RATES

For use between 0 and 2000 cu. ft.--20¢ per 100 cu. ft.  
 For use over 2000 cubic feet----- 4¢ per 100 cu. ft.

Upon this schedule for the monthly minimum charge of \$7.00 complainant was entitled to and was allowed a total minimum consumption of 3,500 cubic feet per month. The dispute herein arises, however, over the proper method of computing the excess charges over and above the said total of the minimum

allowance of 3,500 cubic feet. The company took the position that each of the seven units should exceed 2,000 cubic feet per month, or a total of 14,000 cubic feet per month, before the consumer would be entitled to benefit by the lower block rate of four cents per one hundred cubic feet, apparently upon the theory that this service should be treated the same as though there had been installed in fact seven separate meters; bills were so rendered upon this basis. Complainant contends that the payment of the additional six minimum payments of one dollar ended the matter in so far as said minimum payments were concerned and that the remainder of the water used should have been charged as any single metered connection as provided in the rate schedule, namely, the first 500 cubic feet thereof at \$1.00, the next 1,500 cubic feet at 20 cents per 100 cubic feet and all in excess thereof at the rate of 4 cents per 100 cubic feet.

This latter method appears to be proper and in conformity with the usual practice of the Commission in the computation of rates under schedules where additional allowances are permitted for multi-minimum payments for service to several consumers in one building or a single premises when served by but a single metered service connection.

The evidence shows that the amounts billed complainant have been in excess of the proper amounts computed upon this latter basis and under such circumstances said complainant is entitled to reimbursement for such overcharges amounting in this instance to thirty-six dollars and ninety-six cents (\$36.96).

Individual meters for each separate business in the complainant's building have now been installed by the company and, commencing with service for the month of October, 1929, all

charges have been made billed separately for each meter.

O R D E R

Complaint as above entitled having been filed with this Commission, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully advised in the premises,

IT IS HEREBY ORDERED that California-Michigan Land and Water Company, a corporation, be and it is hereby authorized and directed to refund to A.D. Edwards, within thirty (30) days from the date of this order, the sum of thirty-six dollars and ninety-six cents (\$36.96), which sum is the total amount of the excess charges paid for water service during the period from September, 1927, to September, 1929, inclusive, by said Edwards to said company over and above the true and proper amount due and owing therefor under the schedule of rates of said company effective during said period.

Dated at San Francisco, California, this 24<sup>th</sup> day of March, 1930.

C. L. Seaver

David L. Lott

M. P. Carr  
Commissioners.