

SPECIAL

Decision No. 23596

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

<p>In the Matter of the Application of G. B. HUMPHREY (doing business under the fictitious name of Oak Park Water Company, herein and after mentioned as Oak Park Water Company) for authority to operate the Water System in Tract #6433 subdivision Altadena Boulevard Square.</p>

Application No. 17148.

G. B. Humphrey, in propria persona.

WEITSELL, COMMISSIONER:

O P I N I O N

In this proceeding G. B. Humphrey, doing business under the fictitious firm name and style of Oak Park Water Company, selling water for domestic purposes in an area known as Oak Park, Los Angeles County, asks for a certificate of public convenience to operate as a public utility another water system in Tract #6433, Los Angeles County, under the rates, rules and regulations that are now in effect on the Oak Park system.

A public hearing in this proceeding was held at South Pasadena.

The evidence shows that a water system was installed in Tract #6433 about six years ago to aid in the sale of the lots therein and that water has been supplied free of charge to all of the consumers up to the present date. On December 17, 1930, applicant entered into an agreement to purchase the water system upon the condition that he be permitted to obtain a certificate

of public convenience and necessity to operate it as a public utility.

The water supply for the tract is obtained from a deep well and is elevated into a storage tank from which it is distributed by gravity to the consumers now numbering about forty. The distribution system consists of pipe lines ranging from 2½ inches to 6 inches in diameter. The total original cost of the system, exclusive of the lot upon which the pumping plant is located is stated by applicant to be \$14,104. The water supply appears to be adequate at the present time to meet the demands and requirements of the residents of the tract.

The Oak Park system is located about 2½ miles distant from Tract #6433 and for this reason Mr. Humphrey intends to operate it as an independent unit, charging the same rates as are now in effect on his other system and under the same rules and regulations, with the exception, however, that he asks for a rule applicable throughout the new tract authorizing the requirement of a deposit of \$25.00 for each new consumer for all 3/4 inch service connections, said deposit to be refunded by allowing as a credit the amounts of the monthly water bills until the full amount deposited has been refunded. A petition signed by twenty-five out of a total of forty consumers was presented requesting that this application be granted and expressing a willingness to have the above deposit rule accepted by the Commission and to turn over to applicant, without cost, the existing service connections which were installed and paid for by the water users.

The Railroad Commission for a great many years has required all public utility water companies to install and maintain at their own expense all service pipes and connections from the main to the curb or property line of the premises supplied.

Deviation from this practice is permitted only in very rare instances arising from emergency conditions or severe financial distress on the part of the utility. In view of the fact that no evidence was presented justifying any departure from the customary policy in this instance, the request will be denied.

A county franchise to supply water in the above tract is now held in the name of the present owners of the water works. Arrangements have been made to transfer this franchise to applicant in the event the certificate is granted. No one appeared to oppose the granting of this application and as no other water service is available to the residents of this tract, I recommend that certificate be granted.

I herewith submit the following form of order:

O R D E R

G. B. Humphrey, doing business under the fictitious name of Oak Park Water Company, having made application as entitled above, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully advised in the premises,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require that G. B. Humphrey, doing business under the fictitious firm name and style of Oak Park Water Company, operate a water system for the purpose of supplying water for domestic and other purposes to consumers residing within Tract #6433, Los Angeles County.

IT IS HEREBY ORDERED that G. B. Humphrey be and he is hereby directed to file with the Railroad Commission of the

Commission by G. B. Humphrey of a proper franchise, permit or consent, issued by the County of Los Angeles, to construct, maintain and operate pipe lines in public roads, streets, highways and/or alleys, together with a certified statement in writing signed by said G. B. Humphrey that he will never claim before this Commission or any other public body a value for said franchise, permit or consent in excess of the actual cost of securing same, which cost shall be set forth in said statement.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 13th day of April, 1931.

C. Seamy
Leon Whittell
M. J. Law
W. B. Harris
Frederic G. Stearns

. Commissioners.