

Decision No. 23793.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the investigation on the Commission's own motion into services, practices, filing of annual reports and safety of operations of the Loyalton Light and Water Plant, C. D. Terwilliger and Clover Valley Lumber Company, rendering public utility light and water service in and about the Town of Loyalton, Sierra County, California.

Case No. 2988.

ORIGINAL

- A. C. Rogers and W. E. La Bare, for The Pacific Telephone and Telegraph Company.
- J. S. Conklin and J. F. Cartmoll, for Loyalton Light and Water Plant, C. D. Terwilliger and Clover Valley Lumber Company.
- A. Lombardi, L. E. Palmerton, L. N. Powers and James E. Nugent, Consumers.

BY THE COMMISSION:

O P I N I O N

This proceeding is an investigation instituted by the Railroad Commission on its own motion, into the services, practices, filing of annual reports and safety of operations of Loyalton Light and Water Plant, C. D. Terwilliger and Clover Valley Lumber Company.

A public hearing was held in the matter before Examiner Cannon, at Loyalton, on February 18, 1931.

The record shows that the Town of Loyalton was incorporated September 7, 1901. Subsequent to that date, this municipality constructed and operated an electric generating plant and distribution system, the generating

plant consisting of a small hydroelectric unit situated about three miles southeast of the Town of Loyalton.

On October 31, 1923, in company with a representative of the Clover Valley Lumber Company, an engineer of the Railroad Commission made an inspection of the electric distribution system in the Town of Loyalton, listing 414 infractions of Chapter 499, Statutes of 1911, as amended by Chapter 600, Statutes of 1915, of the State of California. Some time prior to the date of this inspection, use of this hydroelectric plant as a source of energy was discontinued, energy being supplied to the said distribution system from the privately-owned generating plant of Clover Valley Lumber Company, which company subsequently maintained and operated the electric distribution system, apparently under verbal agreement with the Board of Trustees of the Town of Loyalton. The record shows that in February, 1929, the Town of Loyalton and the Clover Valley Lumber Company, entered into a written agreement providing for the operation of the electric distribution system by the latter for a period of ten years, and that under date of October 14, 1929, C. D. Terwilliger, for Loyalton Light and Water Plant (Clover Valley Lumber Company), filed rates, rules and regulations under which service would be supplied to the inhabitants of Loyalton. This clearly established Loyalton Light and Water Plant, C. D. Terwilliger and the Clover Valley Lumber Company, as a public utility.

Following the inspection of October 31, 1923, referred to above, this Commission issued its Decision No. 12896, under date of December 1, 1923, extending the date of compliance with Chapters 499-600 to September 1, 1924. On December 9, 1924, the Commission issued its Decision No. 14351, further extending the date of compliance with Chapters

499 and 600 to February 1, 1925.

On June 10, 1929, an engineer of this Commission made a second thorough inspection of the overhead electric system, listing approximately the same number of infractions of Chapters 499 and 600 as appeared in the original inspection of 1923, a large portion of which were identical with those listed in the original inspection.

On August 15, 1929, the Commission directed a letter to C. D. Terwilliger, advising that its representative would be in Loyaltan August 20, 1929, for the purpose of discussing with him means and measures for eliminating said infractions, which letter was not acknowledged and which appointment C. D. Terwilliger did not meet. On October 9, 1929, the Commission again directed a letter to C. D. Terwilliger, without response, asking his disposition toward the matter of removing violations of Chapters 499 and 600. On September 26, 1930, an engineer from this Commission made a further detailed field inspection, again accompanied by a representative of the Clover Valley Lumber Company, following which a letter was directed to the Lumber Company by the Commission under date of October 6, 1930, enclosing a complete copy of field notes showing exact location of infractions in the overhead electric system. In this letter it was requested that acknowledgment of field report be made. No such reply was received, nor was acknowledgment made by C. D. Terwilliger or Clover Valley Lumber Company of a succeeding request from this Commission, dated December 1, 1930. These repeated requests and decisions being ignored, this Commission, on January 20, 1931, instituted Case No. 2988, which is here under consideration.

Testimony presented at the hearing on this pro-

ceeding, held at Loyalton, showed that the electric service supplied on February 18, 1931, and prior thereto, had been of an extremely inferior quality, the voltage fluctuating violently between 85 and 135 volts with the occurrence of frequent interruptions to the service. The evidence conclusively showed that the consumers were suffering unwarranted annoyance and inconvenience with occasional expense for damage to equipment as a result of fluctuating voltage. Investigation of these service conditions by an engineer of this Commission substantiated this testimony.

Subsequent to the hearing of February 18th., the Gas & Electric Division called a conference with C. D. Terwilliger, at which time all of the matters of service were discussed, together with ways and means of rectifying conditions.

Under date of April 14, 1931, the Commission, in a letter to C. D. Terwilliger, outlined the measures necessary to provide reasonably satisfactory service, all as agreed to in said conference. On May 21, 1931, an engineer of the Commission visited Loyalton and found that nothing had been done.

The inhabitants of Loyalton are entitled to reasonably satisfactory service and the conditions now demand immediate action. The order therefore will require the necessary changes in plant and service.

Testimony shows that only a portion of the infractions of Chapters 499 and 600 and this Commission's General Order No. 64-A have been removed. The Order of this Decision will provide for the procedure to be followed in complying with those legal requirements.

O R D E R

The Railroad Commission of the State of California having, on its own motion, instituted an investigation into the services, practices, filing of annual reports and safety of operations of the Loyalton Light and Water Plant, C. D. Terwilliger and Clover Valley Lumber Company, a public hearing having been held, the matter having been submitted and now being ready for decision,

IT IS HEREBY FOUND AS A FACT that defendant's overhead electric lines in the Town of Loyalton do not comply with the provisions of Chapter 499, Statutes of 1911, as amended by Chapter 600, Statutes of 1915, or with this Commission's General Order 64 or 64-A.

IT IS FURTHER FOUND AS A FACT that the electric service that now is and has been rendered by Loyalton Light and Water Plant, C. D. Terwilliger and Clover Valley Lumber Company, is, and has been, inadequate and unsatisfactory.

Basing its order on the foregoing findings of fact and such other findings as appear in the Opinion which precedes this Order;

IT IS HEREBY ORDERED that Loyalton Light and Water Plant, C. D. Terwilliger and Clover Valley Lumber Company shall, on or before August 1, 1931, make the following changes in and additions to the generating and distribution systems supplying the Town of Loyalton, together with the following changes in the operation of said generating and distribution plant:

1. Supply the load of the Town of Loyalton independently by means of a generator unit of adequate capacity.
2. Arrange switching facilities so that the Town of Loyalton load may be supplied from one of the other lumber plant's generating

units in times of emergency, or at such times as the unit referred to in (1) above may be out of service for repairs.

3. Operate at all times, except during short emergency periods, so that the Town of Loyalton load is supplied from a source separate from that supplying any motor load of the lumber company plant.
4. Install upon the town feeder circuit a recording voltmeter, using 24-hour charts.
5. Submit weekly to the Gas & Electric Division of the Engineering Department of the Railroad Commission the 24-hour daily charts from said voltmeter, mentioned in (4) above, until further orders shall have been issued by this Commission.
6. Install at point of delivery to town feeder circuit an indicating watt-hour meter installation to measure total energy delivered to town feeder circuit.
7. Install 30 ampere porcelain fused cutouts on all branch circuits of main town feeder.
8. Regulate voltage on town feeder circuit at all times to within 10 per cent of 115 volt normal, either by hand or automatic regulation.

IT IS HEREBY FURTHER ORDERED that Loyalton Light and Water Plant, C. D. Terwilliger and Clover Valley Lumber Company shall make the following changes and additions to the overhead electric system supplying the Town of Loyalton, on or before October 15, 1931:

- (a) Install an additional 25 KVA transformer, in closed Delta connection, with present step-up transformer bank presently serving the town load.
- (b) Rebuild that portion of the main town feeder line between the step-up transformer bank and center of Town of Loyalton load, in accordance with the provisions of General Order 64-A of the Railroad Commission of the State of California.

IT IS HEREBY FURTHER ORDERED that the time during which Loyalton Light and Water Plant, C. D. Terwilliger and Clover Valley Lumber Company may reconstruct overhead electric lines supplying the Town of Loyalton, to conform with the

provisions of Chapter 499, Statutes of 1911, as amended by Chapter 600, Statutes of 1915, be and the same hereby is extended to September 1, 1931.

Unless otherwise specifically stated, the effective date of this Order shall be from and after the date hereof.

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 15th day of June, 1931.

Ch. Lewis
Leon Whitney
W. J. ...
W. B. Harris
Fred G. Stewart
Commissioners.