

Decision No. 24242

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ROSE TELLES for an order discontinu-
ing water service.

Application No. 17604.

BY THE COMMISSION:

ORIGINAL

O P I N I O N

This is an application filed by one Rose Telles asking the Commission to authorize the discontinuance of public utility service to her consumers in Mission San Jose, Alameda County.

A public hearing in this proceeding was held before Examiner Satterwhite in Mission San Jose on November 10, 1931.

According to the evidence this water system was installed originally in the early seventies and to date practically none of the mains have been replaced. These mains and pipe lines do not follow the location of the present streets and alleys but in most cases run across and through private property and, by reason of their great age and lack of proper maintenance, the mains are in a very serious state of decay and disrepair, needing immediate and complete replacement. The rehabilitation of this system, it is estimated, would require the expenditure of not less than five thousand dollars, a sum which applicant has no financial ability to raise.

This water works was acquired from Robert Gallegos by applicant's husband through authority of this Commission in its

Decision No. 14386, issued December 20, 1924. Since his death she has been attempting to carry on the operation of the plant with the help of her son. However, for the past several years the well from which the water is obtained has reduced in yield to such an extent that during this summer it could be pumped only for a few minutes at a time until it went dry, necessitating a wait of from ten minutes to a half hour for the water to return to its maximum depth of one and a half feet in the well. Arrangements were made by applicant during the early part of this year for the purchase of water from Robert Gallegos who has the only other available water supply in the vicinity, although insufficient for the consumers' demands. For this water applicant paid two dollars (\$2.00) per day. The rates charged on this system vary from one dollar (\$1.00) to two dollars and a half (\$2.50) per month, flat rate. According to the testimony, the gross monthly revenues from the thirty-five consumers were less than the monthly costs of purchased water and standby power charges alone without giving consideration to labor, repair and other necessary and unavoidable operating expenses.

At the present time applicant is supplying only two consumers, her own premises and the residence of the local parish priest. Since April of this year Mrs. Telles has turned over the distribution system to the consumers, a committee of three of which has been collecting two dollars (\$2.00) per month per consumer and paying it to Robert Gallegos for purchased water.

The annual reports of this utility to the Commission are incomplete and fragmentary. No actual accounts are kept, as a matter of fact. The report for 1930 sets up a capital invest-

ment of fifteen hundred dollars (\$1,500), a sum considerably below the cost of reproduction of the system today.

The testimony further shows that, while a few of the consumers have drilled wells, the underground formation in this territory is such that very little water has ever been obtained from these sources. The present supply from the springs on the property of Robert Gallegos is very meager and is being furnished temporarily only and under private arrangements that permit the owner of the water to discontinue further deliveries at any time he so desires. There is also the further possibility of obtaining water from the Hirsch pumping plant at Irvington, two miles away. This would necessitate the installation of the connecting pipe line either by Mrs. Telles or by the consumers at their own expense which those who testified, including the applicant, stated they were unable to meet.

The situation here is indeed most desperate. The consumers appreciated the fact that manifestly it would be unfair and unreasonable to expect or require the widowed applicant to replace the pipe lines and bring in water from possible outside sources solely at her own expense. According to her testimony she is wholly without sufficient funds even to stand further out-of-pocket losses incurred through the purchasing of water and delivering it to the consumers, and in this connection she has stated her willingness to give free of charge all of her interests in the pipe lines and distribution system, excepting the well and such pipes as are located upon her own premises, to the consumers or to any one who will assume the responsibility of furnishing water to the community. To date none of the consumers

have been willing to accept this offer. Under such unfortunate circumstances there is no course open to this Commission other than to relieve applicant herein of her existing public utility obligations and duties.

As a remedy for the water problem of this community which has been critical for several years last past, it is suggested that the citizens of Mission San Jose form either a county water works district as is provided for under and by virtue of the laws of the State of California or organize a co-operative or mutual water company to make available, as far as possible, an adequate and satisfactory water system for the town. The evidence presented herein indicates that the present water secured from Gallegos is both temporary in dependability and insufficient in quantity and that a water supply from Irvington at this time presents the best and most encouraging solution other than individual wells for each consumer.

In view of the fact that this applicant has not in fact actually been delivering water to her consumers since April of this year, authority to discontinue public utility service will be granted effective thirty (30) days from and after the date of this Order upon the giving of due notice thereof to individual consumers and by publication by applicant prior to such date of notice of her intent so to do in a newspaper of general circulation in and in the vicinity of Mission San Jose.

O R D E R

Application as entitled above having been filed with this Commission by Rose Telles asking for authority to discon-

tinue public utility water service heretofore rendered by her to consumers in and in the vicinity of the Town of Mission San Jose, Alameda County, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully advised in the premises, now therefore

IT IS HEREBY ORDERED that Rose Telles be and she is hereby authorized to discontinue, within thirty (30) days from the date of this Order, the further deliveries of water as a public utility to her consumers in and in the vicinity of Mission San Jose, Alameda County, and thereafter stand relieved of all further obligations and liabilities in connection therewith, subject to the following terms and conditions:

1. Within twenty (20) days from and after the date of this Order, said Rose Telles shall notify in writing each and every consumer formerly served by her as of the first day of March, 1931, of her intention to discontinue water service as authorized above and said Rose Telles shall file with this Commission, within thirty (30) days from the date of this Order, a certified statement that she has caused such notice to be duly given as required above.
2. Within twenty (20) days from and after the date of this Order said Rose Telles shall cause to be published once in a newspaper of general circulation in and in the vicinity of Mission San Jose a notice of her intention to discontinue service on the date herein authorized and said Rose Telles shall file with this Commission, within thirty (30) days from the date of this Order, a certified statement that she has caused said notice to be published as required above.

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 23rd day of
November, 1931.

W. Dewey

Leon Whiteley

W. J. Lee

W. B. Harris

Frederic G. Stewart

Commissioners.