

Decision No. 25054

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

J. R. WILLIS, doing business)
 as BELL CLEANING COMPANY,)
 Complainant,)
 -vs-)
 SOUTHERN CALIFORNIA GAS COMPANY,)
 Defendant.)

CASE NO. 3266

ORIGINAL

H. M. Avey, for Complainant.

T. J. Reynolds and L. T. Rice
for Defendant.

CARR, Commissioner.

OPINION AND ORDER

Complainant, conducting a retail dyeing and cleaning business at Riverside, seeks reparation from the defendant for the difference between the natural gas rates he has paid under defendant's Schedule C-4, being the schedule for commercial and industrial service, and what he would have paid if he had been on Schedule C-7 for surplus industrial service. About March, complainant installed facilities for the use of oil and is not now using gas from the defendant.

A public hearing was had on August 4, 1932, and the matter was submitted.

The defendant maintains that Schedule C-7 is not applicable to the character of business conducted by the complainant. If correct in this contention, it becomes unnecessary

to consider whether the defendant violated its Rule 19 so as to entitle complainant to reparations (see City of Vernon et al v. Southern California Gas Company, 34 C.R.C. 46; Batchelder-Wilson Company et al v. Southern California Gas Company, 35 C.R.C. 132).

Schedule C-4 was established by the Commission in Re Southern California Gas Company, 32 C.R.C. 700, in February, 1929, in ordering a reduction in rates of approximately 10% in the Company's domestic and commercial schedules in its eastern district. The schedule is headed, "Commercial and Industrial Service" and is stated to be applicable to "hotels, restaurants, bakeries, hospitals, etc., and for steam boilers and furnaces for heating buildings and for industrial purposes."

Schedule C-7 is entitled "Surplus Industrial Service." It is stated to be applicable "only to industrial service of natural gas for use in metal working plants, canning establishments, incinerators, kilns, boilers, or similar industrial equipment." Under "Special Conditions," it is stated that the schedule "is not applicable to service for bakeries, newspapers, printers, publishers, residences, apartments, flats, restaurants, churches, schools, office buildings, or other domestic or commercial uses, nor to gas engine service."

At the time Schedule C-4 was established by the Commission, all retail cleaning and dyeing establishments in defendant's eastern division were on its commercial schedules and their uses of natural gas were treated as uses for commercial, rather than industrial, purposes. Such establishments never have been considered by the Company as being entitled to the surplus industrial rates which are very low rates intended to absorb surplus gas, the service of which may be shut off at any time when the Company's supply is necessary for its domestic and commercial users.

A careful study of these schedules, together with their history, leads to the conclusion that Schedule C-7 is not intended to apply, and is not fairly applicable, to establishments of the character conducted by the complainant. This conclusion disposes of the case.

The following form of order is recommended.

ORDER

A public hearing having been had and the matter having been submitted,

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

The effective date of this order shall be twenty (20) days after the date hereof.

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.

Dated at San Francisco, California, this 15th day of August, 1932.

Cl. Sawyer
Leon Whiteley
W. J. Carr
M. B. Harris
Fred G. Stewart
Commissioners.