

Decision No. 10103 -

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

W. E. MULL, et al.,

Complainants,

vs.

LEWIS A. & PRUDENCE TURNER or  
THE TURNER WATER SYSTEM,

Defendant.

Case No. 1591.

ORIGINAL

W. E. Mull, in propria persona.

E. D. Turner, for defendants.

BY THE COMMISSION.

O P I N I O N

This is a proceeding brought by W. E. Mull and sixteen other residents of what is known as the Clutter and Long Tract, near Bell, Los Angeles County, against Lewis A. Turner and Prudence Turner, owners of a small public utility water system.

Complainants allege in effect that they are entirely dependent upon this system for their water supply; that meters have been installed free of charge to some consumers, while others are compelled to pay the cost of the meters and for the installation thereof; that the pipe line on South King Street is not sufficiently large to permit of adequate service to consumers supplied thereby; and that this pipe line has a "dead end," thereby preventing prop-

er circulation of water and endangering the health of consumers.

The complainants therefore ask that the defendants be compelled to refund the cost of all meters installed at the expense of consumers, or to make suitable refunds therefor as credits on water bills, and to install meters free of charge for such consumers whose service pipes are not now so equipped. Complainants also ask that the utility be ordered to replace the present one and one-half inch pipe line on South King Street with a four inch line, and that the end thereof be connected with other distribution mains so that proper circulation of water may be secured.

Defendants in their answer allege that the pipe lines on the Clutter and Long Tract, including the one on South King Street, are not owned by the utility, that all meters upon the system have been furnished and installed at the expense of consumers; and that the connection of the King Street main with other pipes in the system, so as to provide circulation of water, would require the acquisition of rights of way across private property.

A public hearing in this matter was held at Los Angeles, before Examiner Williams, at which all interested parties were given an opportunity to be heard.

It appears that this water system was originally installed for defendants' own use, but as a large supply of water was developed defendants entered into agreements with their neighbors to furnish them water, and the service has since grown until at the present time there are approximately 100 connections for domestic and irrigation use.

Defendants do not own the distribution mains or meters through which water is delivered to consumers on the Clutter and Long Tract, of which South King Street is a part. It appears that the owners of the subdivision originally installed the pipe

lines on this subdivision and in 1913 entered into an agreement with defendants which provided that defendants would furnish water to consumers and that Clutter and Long would install meters and maintain pipe lines. In return defendants agreed to pay ten per cent. of the revenues. This agreement expires in 1923. It appears however that none of the agreed payments have been made and that defendants have been furnishing water on the tract, maintaining the pipe lines and charging consumers for meters and their installation.

Testimony conclusively shows that service to consumers on South King Street has been inadequate and it is apparent that the one and one-half inch main on that street should be replaced with a pipe line of larger size. It is also apparent that satisfactory service cannot be maintained unless the entire distribution facilities, including pipes, services and meters, are owned and operated by defendants.

Defendants however contended that the operation of the system does not produce sufficient revenue to give an adequate return upon the investment, and that it is impossible to finance enlarged mains and installation of meters free of charge to consumers. The defendants herein have, however, assumed the obligation of rendering adequate and satisfactory service to consumers and to achieve this result should install such facilities as are required. If the present revenues are inadequate the proper remedy consists of an application to this Commission for an adjustment of rates.

The utility will therefore be ordered to file plans and specifications with the Commission covering such improvements of the system as are necessary in order that adequate service may be rendered. The utility will also be required to install meters

free of charge to consumers, and to refund to consumers such charges as may have been made by the utility for the installation of meters.

In order that the financial demands upon the utility may be minimized it will be provided that such refunds may be made as credits covering a portion of the bills for water consumed.

The evidence does not indicate that defendant has ever installed meters free of charge to consumers on the Clutter and Long Tract, and it is apparent that all these consumers have received similar treatment in regard to the installation of meters.

In order to connect the "dead end" of the King Street pipe line with other mains in the system it would be necessary to install 600 feet of pipe line across private property, and it does not appear that the results to be obtained thereby would justify the necessary expenditure at this time.

#### O R D E R

W. E. Mull and others having made complaint in the above entitled proceeding, a public hearing having been held thereon, and the matter having been submitted,

It Is Hereby Found as a Fact that defendants herein have not rendered adequate or satisfactory service to consumers on South King Street; that a main of larger size and capacity should be installed therein; and that the best interests of the public require that meters be installed free of charge to the consumers.

And basing the order upon the foregoing finding of fact and upon the statements of fact contained in the preceding opinion,

IT IS HEREBY ORDERED that defendants herein be and they are hereby directed to file with this Commission within thirty (30) days of the date of this order, detailed plans and specifications

of such improvements as are necessary to render adequate service to consumers, and upon the approval of such plans and specifications by the Commission to begin at once and proceed diligently with the work of installation thereof, reporting progress to the Commission in writing at intervals of ten (10) days until completion.

IT IS HEREBY FURTHER ORDERED that defendants herein be and they are hereby directed to install meters free of charge to consumers.

IT IS HEREBY FURTHER ORDERED that defendants herein be and they are hereby directed to refund to consumers any payments made to defendants for the installation of meters, such refunds to be made as credits on monthly bills for water consumed, at the rate of ten per cent. of the total amount of such monthly bills.

IT IS HEREBY FURTHER ORDERED that in all other respects the complaint herein be and it is hereby dismissed.

Dated at San Francisco, California, this 17<sup>th</sup> day of February, 1922.

H. P. Brundage  
H. S. Loveland  
Commissioners.