

ORIGINAL

Decision No. 10160

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

DANIEL SCUR and
C. C. CHRISTENSEN, et al.,
Complainants,

Vs.

Case No. 1699.

C. B. SMITH, GRANITE ROCK
WATER COMPANY and MOSS BEACH
REALTY COMPANY,
Defendants.

Hilton & Christensen, by S. X.
Christensen, for Complainants.

J. J. Bullock for Defendants.

BY THE COMMISSION.

OPINION

A public hearing was held at Moss Beach by Examiner Westover upon the above complaint, which, as amended at the hearing, alleges in substance that by Decision No. 9724 upon Application No. 7008, the Commission inadvertently fixed rates for defendants as owners of a water system at El Granada, San Mateo County, which, in reality, belongs to the 31 complainants and other consumers.

The prayer is that the order establishing rates be set aside and the system serving complainants be declared not a public utility.

Complainants offered as evidence of ownership of the water system certain advertising by the subdividers of the

townsite to the effect that a pure water supply would be put in "without cost to the purchasers....free by the company". The deeds by which lots were conveyed to purchasers were silent as to the furnishing of water or a water system, but provided that a purchaser should not develop water on his lots in excess of the quantity reasonably to be used for irrigation or domestic purposes, but that any excess above such quantity of water should become the property of the seller who might conduct it from any place where it might be developed on lots so sold.

In fixing the rates established by said Decision No. 9724, the Commission acted under Section 2(x) of the Public Utilities Act, which defines a water corporation as every corporation or person owning, controlling, operating or managing any water system for compensation within this State. Complainants did not produce any testimony tending to show that the Commission acted erroneously in fixing said rates, as defendants were controlling, operating and managing the water system in question, and produced deeds purporting to convey title to the system.

The complaint must, therefore, be dismissed.

ORDER

A public hearing having been held upon the above entitled complaint, the matter being submitted, and now ready for decision,

IT IS HEREBY ORDERED that said complaint be and it is hereby dismissed.

Dated at San Francisco, California, this 7th day of March, 1922.

H. B. Anderson
H. D. Lovv
Quinn Martin
W. B. Peacock
Commissioners.