Decision No. 10799.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of NORTH MONETA GARDEN LANDS WATER COMPANY, a corporation, and THE BERLIN REALTY COMPANY.	Application No. 7419.
W. FRANK WATTS, as Administrator, with the will annexed, of the Estate of William Housley Worley, deceased, Petitioner, vs. NORTH MONETA GARDEN LANDS WATER COMPANY, a corporation, and BERLIN REALTY COMPANY, a corporation, Respondents.	Case No. 1707.

H. C. Levey, for applicant, Application No. 7419.
W. E. Evans, for consumers, Application No. 7419.
S. W. Thompson, for consumers, Application No. 7419.
Chas. R. McCarty, for petitioner, Case No. 1707.
H. C. Levey, for defendant, Case No. 1707.

BY THE COMMISSION.

O P I N I O N

North Moneta Garden Lands Water Company, applicant herein, is a public utility water company, furnishing water for domestic and irrigation purposes to persons residing in Section 15, Township 3 South, Range 14 West, San Bernardino Base and Meridian, in

the County of Los Angeles.

In Application No. 7419, applicants ask that the Railroad Commission authorize the transfer of their water system to five persons named in its petition, who represent the consumers served by it. Applicants allege in effect that the proposed transfer of the property has the sanction of and is desired by the consumers served by the system.

In Case No. 1707, petitioner asks that the Commission order respondents to restore water service to the property of the late William Housley Worley, represented by W. Frank Watts as administrator of the estate. It is alleged that the property was formerly supplied by North Moneta Garden Lands Water Company but that service was discontinued, owing to deterioration of the pipe system, and that respondents have since refused to resume the supply.

A public hearing in these matters was held at Los Angeles before Examiner Williams, all consumers having been duly notified and having been given an opportunity to be present and to be heard.

The issues involved in these proceedings are closely related and it was stipulated that they might be consolidated for hearing and decision.

The North Moneta Garden Lands Water Company was organized in 1904 in connection with and incidental to the subdivision, development and sale of lots in Tract No. 874, in Los Angeles County. The utility has previously appeared before this Commission in other proceedings, and, for a history of the company and a general description of its water system, reference is hereby made to Decision No.2112 in Application No. 1283, and to Decision No.7880 in Application No. 5426.

As the tract in which the utility operates was developed and homes built upon it, the demands for water service greatly increased, and the company has failed to keep pace with the development and has not made the betterments and repairs necessary to

furnish adequate service to its consumers. The time has now come when a considerable expenditure is needed to put the system in proper condition and the company does not desire to make this expenditure, but asks the consumers to take over the system free of charge and to thereafter operate it.

It appears that there is considerable opposition to the plan of transfer proposed by the owners of the system, and that the committee of consumers named in the application is not in any way truly representative of the majority, nor does this committee desire to obligate itself or the individual members to assume any responsibility for the management or for the raising of funds for the general betterment of conditions.

It is therefore evident that proper provision has not been made to protect the interests of consumers, and that the application should be denied.

The evidence presented in Case No. 1707 shows that pipe was at one time laid to the property of complainant and service was rendered. Later this pipe became rusted and broken to such an extent that water could not be conveyed through it. Service was thereupon discontinued. Such discontinuance was protested by petitioner at that time and subsequently, but without avail. Service to this property should be resumed.

O R D E R

North Moneta Garden Lands Water Company and the Berlin Realty Company having made application for authority to transfer the water system serving Tract No.874, Los Angeles County, to a committee of five of its consumers, and W. Frank Watts, administrator of the estate of William Housley Worley, deceased, having made complaint against the North Moneta Garden Lands Water Company, a public hear-

ing having been held in both proceedings, and the matters having been submitted,

It Is Hereby Found as a Fact that the interests of consumers will be best served by a continuation of operation of the North Moneta Garden Lands Water Company by the present owners.

It Is Hereby Further Found as a Fact that the property of the late William Housley Worley, deceased, is within the territory served by the North Moneta Garden Lands Water Company, was formerly served by that company, and that service to said property should be resumed.

And basing its order on the foregoing findings of fact and upon the further statements of fact contained in the opinion which precedes this order,

IT IS HEREBY ORDERED that the above entitled application be and the same is hereby denied.

IT IS HEREBY FURTHER ORDERED that the North Moneta Garden Lands Water Company be and the same is hereby directed to proceed at once and complete within the shortest practicable time such repairs or replacements to its water system as are necessary to resume service to the property of the late William Housley Worley, and upon the completion of such repairs or replacements to resume service of water to said premises.

Dated at San Francisco, California, this 12th day of April, 1922.

H. H. Brundige

Irving Martin

W. H. Benedict

Commissioners.

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