

ORIGINAL

In the Matter of the Application )  
of J. FRANK JACKSON and IDA H. )  
JACKSON for an Order Regulating )  
the Use of Water. )

App- No. 784.

LOVELAND, Commissioner:

OPINION.

On July 29, 1913, this Commission made its order in Application No. 335, being the application of J. Frank Jackson and Ida H. Jackson for permission to increase rates for domestic water service at San Martin, Santa Clara County, California, in which order the Commission directed the applicants "to install a water meter for each of their consumers." On October 8, 1913, this Commission issued a Supplemental Order in said application permitting the applicants to serve water without meters to certain temporary camps of laborers engaged in building the State Highway through the town of San Martin. J. Frank Jackson and Ida H. Jackson have now filed the present application, in which they state that certain consumers do not have direct connections with applicants' mains, but are connected to the service pipes of other consumers, and there being only one meter upon this service pipe, the two consumers on that service pipe take the position that the Company is entitled to only one minimum rate. Applicants accordingly request that this Commission make an order permitting the Company to receive a separate minimum charge from each consumer irrespective of whether each particular consumer has a separate service connection with applicants' mains.

The situation at San Martin is best illustrated by the following two typical cases: One of these is a case in which

two houses have been erected upon one lot, the owner of the lot living in one house and receiving water from applicants, the second house being leased to tenants, who receive their water through a connection with a service pipe to the first house. The second case is that in which the owner of a lot has erected a house thereon, and has also erected in the front of the lot a blacksmith shop, which is ordinarily leased to tenants, the tenants receiving water as in the other case,--not from a direct connection with the mains of applicants, but through a connection with the pipe serving the house.

By the terms of this Commission's order made on July 29, 1913, in Application No. 385, applicants were directed to "install a water meter for each of their consumers." It is very evident that in each of the two cases above mentioned there are two consumers and not only one. Under the Commission's order, therefore, applicants could be compelled to install a separate service connection for each of the consumers.

It becomes necessary to interpret the term "each consumer" as used in this Commission's order upon Application No. 385. I hold that the term "each consumer" as found in said order, means each separate household, or, in other words, each distinct user of water.

Under the rates in effect upon applicants' water system applicants are entitled to receive a minimum rate from each consumer. I hold, therefore, that applicants are entitled to receive a separate minimum charge from each different, distinct household or user of water. While applicants could be compelled to install a separate service connection to each consumer, it appears that certain consumers upon applicants' water system refuse to permit applicants to install separate service connections. I do not believe, however, that such consumers should be permitted to deprive applicants of the minimum charge to which they are entitled. In those cases, therefore, in which two consumers are

connected to the same service pipe, I hold that applicants should be permitted to require the payment in advance, each month, of a separate minimum charge for each consumer.

There were certain other cases presented which I do not believe need individual attention by this Commission, but we have to be just in accordance with the principles above outlined. The application of these principles should not, however, be carried to ridiculous extremes. If a small temporary use of water was made from an adjoining house, I do not believe that applicants should be so arbitrary in the application of the above outlined principles as to require the payment of a minimum charge for such small temporary use. The opinion and order in this case are based upon the facts of this particular situation and should not be regarded as a general precedent for other cases.

I recommend herewith the following form of order:

O R D E R.

The above-entitled Application having come on regularly for hearing,

IT IS HEREBY ORDERED: That in those instances in which there are more than one consumer connected with a single service pipe upon applicants' system, and it is impossible and impracticable for applicants to install a separate service connection for each of said consumers, applicants are hereby authorized to collect in advance, each month a minimum charge for each of the consumers upon said single service pipe.

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 17<sup>th</sup> day of  
October, 1913.

John M. Hartman  
W. S. Hayward  
Edwin O. Edgerton

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Commissioners.