

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA.

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J. W. BARNES, et al.,  
Complainants,

-vs.-

SOUTHERN CALIFORNIA EDISON  
COMPANY,

Defendant.

Case No. 513.

Decision No. 1163

Kendrick and Ardis and Wm. T. Kendrick for complainants.  
H. E. Trowbridge and H. B. Birchley for defendant.  
Ben S. Hunter for W. F. Palmer, et al., complainants  
in intervention.

THELEN, Commissioner.

O P I N I O N .

This complaint was filed to secure an order from the Railroad Commission directing the defendant to supply electric energy to operate a motor used in the pumping of water from a well located on Tract No. 808, situated in Los Angeles County, near Arcadia. The complaint alleges that for some time prior to October 22, 1913, defendant was supplying energy for this purpose, but that it now refuses to do so.

The answer states in effect that said well is owned by sixty-eight separate individuals as tenants in common; that there is a dispute between two factions as to the right to the possession thereof; that armed partisans of various interests are patrolling the vicinity of the plant threatening to exclude certain of said tenants in common from the possession of said pumping plant, and that at different times within the last five days the different factions have for limited periods of time been in the possession of said pumping plant, to the exclusion of the opposing faction during such limited period of time. The answer further alleges that during the continuance of such conditions it would be dangerous for defendant to

supply electric energy to either of the contending factions. It is also alleged that the sum of \$943.10 is now due to defendant for electric energy hitherto furnished by it for the operation of said pumping plant. Notwithstanding the complainants' failure to pay said amount, defendant avers its willingness to furnish energy for the operation of said pumping plant to any person actually in the peaceable physical possession of said plant and entitled thereto.

At the hearing, W. F. Palmer and others, representing the faction opposed to the complainants, filed, under permission of the Commission, a complaint in intervention setting forth their side of the dispute. This complaint alleges in part that the complainants in the main complaint are unskilled and incompetent to operate said plant, and that operation thereof by the complainants would result in serious damage to the plant. The complainants in intervention ask that the complaint be dismissed and that the defendant be directed to furnish energy for the operation of said plant to the complainants in intervention.

The hearing in this case was held in Los Angeles on December 23, 1913. The evidence shows that there has been trouble between the opposing factions with reference to the physical possession of said well and pumping plant and that on the day of the hearing the complainants were in the actual physical possession thereof. The evidence also shows that the defendant has refused, in view of the circumstances, to supply energy and that as a result thereof the residents on said Tract No. 808 have been unable to obtain water even for domestic purposes except by hauling it for considerable distances in wagons. The defendant waived the point as to the failure to pay the back bills as justifying a refusal to serve, and expressed a willingness to resume service if it were adequately protected. The complainants in both complaints agreed that the defendant should supply energy to operate the pumping plant, but the complainants in intervention claimed that the com-

plainants in the main complaint are unskilled in the operation of such a plant and that if operated by them damage to the property would ensue. The Commission drew attention to the necessity of having a competent person manage the pumping plant, whichever faction might at the time be in the actual physical possession, whereupon the complainants stated that they intended to place in charge of the plant a man who has had considerable experience in the operation of such plants and who thoroughly understands the business. Under these circumstances the defendant should resume the delivery of energy as directed in the order which follows.

I submit herewith the following form of order:

O R D E R .

A public hearing having been held in the above entitled proceeding, and the case having been submitted and being now ready for decision,

IT IS HEREBY ORDERED that defendant be and it is hereby ordered to supply electric energy forthwith to that certain pumping plant located on Tract No. 808 in Los Angeles County, California, irrespective of who may from time to time be in the physical possession thereof, on the following condition and not otherwise, to-wit:

1. Before defendant shall be obligated to render such service, the complainants shall first have employed a competent man to operate said pumping plant and shall have informed the defendant and the Railroad Commission of his name.

Nothing herein contained shall be construed as in any way affecting the title or right to possession of said well and pumping plant.

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 24th day of December, 1913.

Wm. Markham  
H. D. Longland  
Al. Gordon  
Max Thelen

Commissioners.