

Decision No. ✓

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA

ORIGINAL

Decision No. 1398

E. T. DOWNS,

Complainant,

v.

CALISTOGA ELECTRIC COMPANY,

Defendant.

Case No. 555.

E. T. Downs, in propria persona

Raymond Benjamin, for defendant

THELEN, Commissioner.

OPINION

This is a complaint to compel an electric utility to extend its distributing system, at its sole expense, to serve electric energy to a farmer living south of Calistoga, Napa County, California.

The complaint alleges, in effect, that in November, 1913, defendant agreed to construct, at its own expense, an extension of its electric distribution system to supply electric current for lighting to complainant's house on his ranch some two miles south of Calistoga; that complainant, relying on said agreement, wired his house, windmill and barn, at an expense of \$115.00 to receive such electric current; that defendant refuses and neglects to construct said extension; and that complainant has performed his part of the agreement but that the defendant has failed to perform its part. The complaint prays that the defendant be compelled to build said line at its own expense and thereafter to supply complainant with electric energy.

The answer denies all the material allegations of the

complaint, alleges that defendant at no time agreed to extend its lines to serve complainant but expresses a willingness to serve complainant whenever the revenue to be secured will be sufficient to warrant the necessary outlay.

The hearing was held in San Francisco on March 18, 1914, and the case is now ready for decision.

The evidence shows that complainant is a farmer residing on a ranch some two miles south of Calistoga; that in November, 1913, he made certain inquiries from the defendant's general manager with reference to the extension of a distribution line from defendant's 6600 volt line running from Bale Station to Calistoga, to a point some 500 feet distant, opposite complainant's ranch; that complainant understood defendant's manager to say that when complainant's house was wired, defendant would build an extension to his ranch, at its own expense, and thereafter deliver electric energy to him; that thereupon complainant wired his house, windmill and barn for the receipt of electric energy for lighting purposes, at an expense of \$115.00; that defendant thereafter refused to extend its lines to complainant's ranch unless he should pay the sum of \$75.00 towards its construction, this amount to be gradually returned to complainant in the form of reductions in the monthly bills for current supplied; that complainant refused to pay this sum; and that complainant has been unable to secure electric energy from defendant except upon compliance with the terms hereinbefore set forth.

Defendant's manager denied that he had ever promised to extend a line to complainant's premises at the Company's sole cost, but admitted that he had held out the hope that complainant would secure electricity if he would wait a while.

The defendant utility, hereinafter referred to as the company, secures its electric energy from the Napa Valley Electric Company at a point known as Bale Station, on the line of the Southern Pacific Company several miles south of Calistoga and

thence conveys it by means of a 6600 volt line to the incorporated town of Calistoga. The company serves electric energy to the inhabitants of Calistoga and to three or four customers outside of the town.

The complainant's house is located between Bale Station and Calistoga, some two miles south of Calistoga, a distance of some 500 feet easterly from the company's 6600 volt line. Mr. Davis lives diagonally across the road from complainant and could be served from the same line. Mr. Tucker lives on the same side of the road as Mr. Davis, but some 1000 feet further removed from the company's 6600 volt line. The complainant, Davis and Tucker all want electricity for lighting purposes. Mr. Tucker would probably require power for a small motor.

In order to construct an extension to serve the complainant, it will be necessary to cross the tracks of the Southern Pacific Railroad Company and also to brace the line across the tracks of the San Francisco, Napa and Calistoga Railway Company, at a point known as Dunnaweal. To serve both the complainant and Davis would require an investment of about \$200, while for the complainant alone the cost would be approximately \$192.50.

The probable revenue from these customers will be about \$15. per annum from each.

The company is at present purchasing its electric energy used for lighting purposes for  $4\frac{1}{2}\%$  per KWH. Assuming that these two customers would use electric energy amounting to \$30.00 per annum at the present rate of 10¢ per KWH, the energy cost, including the cost of the energy which is lost in the transformer, will approximate \$23.50. This leaves only \$6.50 to cover interest on the investment, depreciation, maintenance, billing and collecting.

The company is asking in another proceeding for a reduction in the rate which it must pay to the Napa Valley Electric Company and states that if a material reduction is secured it will

be able to make extensions in the rural districts in many cases in which such extensions would result, under present conditions, in a continued outright loss. The company offers to abide by any order the Commission may make with reference to the Downs extension. The company now has no franchise authorizing it to serve electricity outside of Calistoga, but has recently made application for such franchise to the Board of Supervisors of Napa County.

If the company now desires to serve the complainant, it may do so as soon as it has secured a franchise from the county and has secured from this Commission a certificate of public convenience and necessity authorizing it to exercise the rights conferred by such franchise, as provided by section 50 ~~xxx~~ of the Public Utilities Act. It becomes unnecessary to decide now whether this Commission should compel the company to extend its line at its own cost to Mr. Downs, for the reason that in its decision on Application 1020, rendered this day, the Commission has granted to Napa Valley Electric Company a certificate of public convenience and necessity authorizing the company to enter into and serve all the territory in Napa County between Bale Station and the northern limits of the county, except the town of Calistoga. This certificate was granted in response to the voluntary promise of D. L. Beard, president of the Napa Valley Electric Company, that if permitted to enter the territory, his company would extend its lines free of cost, to the complainant and all other persons in this territory desiring the use of electric energy. Said certificate, so granted by this Commission, is made conditioned upon the Napa Valley Electric Company's extending its lines and serving, within two months, the complainant, Davis and Tucker or so many of them as may demand the service, at the Napa Valley Company's own expense.

We accordingly suggest to Mr. Downs that if he can not now make satisfactory arrangements with the Calistoga Electric Company he address himself to the Napa Valley Electric Company and request prompt service under the promise made by that company.

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 and it appearing that the Napa Valley Electric Company has secured from this Commission a certificate of public convenience and necessity authorizing it to enter certain territory in Napa County on the promise that it will at its own cost extend its lines to persons desiring electricity, including the complainant herein, so that it becomes unnecessary to order the Calistoga Electric Company to serve him at its own sole cost and expense.

IT IS HEREBY ORDERED that the above-entitled proceeding be and the same is hereby dismissed, without prejudice, however, to the right of the Railroad Commission to make such further order in this proceeding as it may hereafter find to be just and reasonable.

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 31st day of March, 1914.

H. D. Lovitt  
Chas. Gordon  
Max Thelen  
Edwin C. Edgerston  
Commissioners.