

Decision No. ✓

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Decision No. 1437

Winifred F. Marr,

Complainant,

vs.

Case No. 511

Los Angeles and Arizona Land
Company, a corporation,

Defendant.

Winifred F. Marr in propria persona

C. S. Tappaan and S. F. Macfarlane for defendant

EDGERTON, Commissioner.

O P I N I O N

The gist of the complaint urged at the hearing herein by complainant against defendant, is as follows:

That defendant is a public utility water company serving a portion of the inhabitants of the City of Glendale with water; that complainant has in times past received water from the system now owned and operated by defendant company; and that said defendant plans and proposes to sell a large additional amount of land and to furnish said land with water from its present water system. That defendant has not an adequate supply of water to furnish its present and proposed new consumers adequately with water. That defendant maintains and operates a water plant in the City of Glendale without proper franchise or other authority so to do.

The prayer is that defendant be required to establish

its lawful ownership to the pipe which it claims, and be required to conduct its water system in accordance with the provisions of the Public Utilities Act; that the use of the water of the East Side Stream for domestic purposes be restricted to those portions of the year during which it is evident that it is entirely suitable for such use; that further extensions and connections of defendant's water system be prohibited until such time as it shall show to the satisfaction of the Commission how much territory it can supply continuously without danger of interruption, and that its operation be then restricted to such territory as it has all necessary rights and appliances for furnishing continuously with an adequate supply of water of suitable quality.

At the hearing defendant admitted that it had served consumers with water for compensation, and therefore, is a public utility, and that it owns and operates all of the water system in question.

Defendant company owns about 400 acres of land in one piece, which it is subdividing, and of which about 250 acres are capable of being irrigated from this system, and on which there are already settled about ten families. It is proposed to continue the sale of land in this tract until it is all disposed of and to furnish the people who settle upon this land with water from this system.

The evidence, including that introduced by complainant, shows that there is sufficient water physically available at the source of supply of defendant to furnish all of the people who may hereafter settle on this land with an adequate supply of water. Complainant contends, however, that defendant company has not shown its legal title to a sufficient quantity of water to adequately furnish the future settlers, notwithstanding that defendant claims to own all of said water.

We are asked to compel defendant to show good title to sufficient water to adequately furnish all of the people who

may settle on its land, or else to restrict the further distribution or attempted distribution of water.

The evidence shows that defendant has never been interfered with in its use of water nor is there any threatened interference.

Defendant admitted that it had no written franchise from any public authority to occupy public streets or highways with its distributing system, and complainant asks that we compel the defendant to immediately obtain franchise therefor.

The City of Glendale announced its intention to purchase certain of the water systems now operating in the City of Glendale and to this end has instituted a proceeding before the Railroad Commission for the valuation of these properties. This matter is now pending.

The water system of defendant is not included in this proceeding and it was announced at the hearing herein by representatives of defendant and the City of Glendale that if the city purchased the plants now being valued that defendant would give the city its water system, including the source of supply of water, free of cost.

Representatives of the City of Glendale further announced that in all probability the City would refuse to grant any franchise to defendant at this time in view of the City's intention to establish a municipal water system.

I do not believe we are warranted in this case in making an extended inquiry into the title of defendant to its water supply. It is admitted by complainant that the present consumers of defendant are suffering no injury and I do not believe that the mere suggestion that successful attacks may hereafter be made upon the legal title of defendant to its water supply would justify us, under the circumstances, in taking action at this time.

Furthermore, as it is the announced intention of the

officials of the City of Glendale to place before the people the proposal to purchase certain of the existing water systems in that City, and to acquire by gift the plant of defendant, I believe no action should be taken under this complaint at this time.

Of course, if the City of Glendale does not institute a municipal water system, then if defendant has not proper authority for maintaining and operating its plant in the City of Glendale, it should proceed immediately to obtain such authority.

I recommend that the complaint be dismissed and submit the following form of order:

O R D E R

Complaint having been made by Winifred F. Marr against the Los Angeles and Arizona Land Company, and a public hearing having been had thereon and the Commission being fully apprised in the premises, and it appearing to the Commission that for the reasons stated in the foregoing opinion said complaint should be dismissed,

IT IS HEREBY ORDERED by the Railroad Commission of the State of California that the complaint herein be and the same is hereby dismissed.

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 15th day of April, 1914.

Alfred C. Davidson
Alfred Gordon
Edwin C. Edgerton

Commissioners.