

Decision No. ✓.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

THOMAS L. TURNER, et al,  
Complainants,

v.

SWEETWATER WATER COMPANY,  
Defendant.

CITY OF NATIONAL CITY and CITY  
OF CHULA VISTA,

Intervenors.

ORIGINAL

Case No. 598.

Decision No. 1773

Tyndale Palmer for complainants;  
Hunsaker & Britt, A. E. Sweet and F. Jennings for defendant;  
Johnson W. Puterbaugh for Intervenor, City of National City;  
F. B. Andrews for Intervenor, City of Chula Vista;  
EDGERTON, Commissioner.

O P I N I O N

This is a complaint whereunder complainants ask that Sweetwater Water Company be compelled to give them service of water upon a tract called Millerton near the town of San Diego, upon which no water service is now given by defendant.

The cities of Chula Vista and National City intervened in opposition to complainants, alleging that to extend this additional and new service to this tract would deplete the supply of the citizens of these two respective cities, who are dependent upon this defendant company for water service.

A partial hearing was had in the city of San Diego, but before the completion thereof at the request of all parties, a continuance was had in order that consideration might be given to a possible compromise.

An agreement has now been reached, evidenced by writing and joined in by all the parties to this action, of which the approval of the Commission is asked, and if approved it is requested that this case be dismissed. In the main this agreement provides for diverting from a tract of land under defendant's water system a portion of the water service belonging to said tract, and using such diverted portion upon the Millerton tract here in question. This, of course, in no wise depletes the present supply of any consumer except the owner of the tract from which a portion of the water supply is taken, and this is done with his consent, evidenced by his joining in the agreement submitted.

The contract is in considerable detail and provides conditions under which the service is to be given the new tract, and also expressly provides that this agreement shall in no wise be used as a declaration or admission by defendant Sweetwater Water Company of any obligation to serve any but present consumers.

I think this agreement should be approved and the action dismissed. Of course it should be understood that the conditions of service set out in this contract are applicable to this particular tract, and are approved because agreed to by all parties. This condition, of course, cannot be used as a precedent in determining service in other cases under this system.

I submit herewith the following form of order:

#### O R D E R

Complaint having been made by Thomas L. Turner et al against Sweetwater Water Company and National City and the City of Chula Vista having intervened, and a partial hearing having been had and all of the parties hereto having joined in an agreement settling all of the issues herein and asking that this agreement be approved and the case dismissed;

IT IS HEREBY ORDERED by the Railroad Commission of the

State of California that the contract submitted herein, signed by all the parties to this action be, and the same is hereby approved, copy of this said contract being on file herein and reference to which is hereby made.

IT IS FURTHER ORDERED 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.

Dated at San Francisco, California, this 1st day of September, 1914.

John M. Schlemmer  
H. D. [illegible]  
[illegible]  
Edwin C. Edgerton  
Commissioners.