

Decision No. ✓

ORIGINAL

Decision No. 1808

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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BELVEDERE CIVIC ASSOCIATION,
a corporation,

Complainant,

vs.

JANSS COMPANY, a corporation,

Defendant.

Case No. 454.

H. G. Nations and D. W. Garwood for complainant
Tracy C. Becker for defendant.

LOVELAND, Commissioner.

O P I N I O N.

The complaint in this case alleges that the Belvedere Civic Association is an unincorporated association of present and prospective water users residing in that territory adjacent to the city of Los Angeles, and commonly known as the "Belvedere District"; that the defendant Janss Company is engaged in supplying water in said district; that said company has in effect a regulation requiring that service connections from the mains of the company to the premises of consumers will be made only upon the payment of a service connection charge of \$25.00 and that such a regulation is unjust and unreasonable. The complainant asks that this Commission make an order requiring the defendant company to discontinue making this service connection charge.

The answer of Janss Company admits that it is collecting and has in effect this \$25.00 service connection charge, but denies that such a charge is unjust and unreasonable; alleges that demands are frequently made upon the company for service connections by parties who do not propose to become users of water, but merely desire to increase the salability of their lands by having a service connection

installed, and that it would be unjust to require the company in such cases to make the service connection at its own expense. The defendant therefore asks that the complaint be dismissed.

Only one issue is presented in this case, namely, the reasonableness of the service connection charge of \$25.00 now being collected by the Janss Company in the "Belvedere District." This Commission has heretofore held, in cases numbered 365 and 383 - City of Glendale vs. Title Guarantee and Trust Company, Trustee, for the Glendale Consolidated Water Company and City of Glendale vs. Miradero Water Company, that it is the duty of a public utility water company to install, at its own expense, meters and service connections from the mains of the water company to the premises of the consumer. A review proceeding to test the validity of the Commission's order in these two cases was filed in the Supreme Court of this State. That case was pending before the Supreme Court when the hearing in the present proceeding was had before this Commission in the city of Los Angeles on September 27, 1913. At that hearing the parties to this proceeding stipulated that the decision of the Commission in this proceeding might await the decision of the Supreme Court in the above mentioned case. It was further stipulated that all moneys collected by the defendant company for service connections during the pendency of this proceeding would be held subject to the decision of the Supreme Court in the Glendale cases and refunded in the event that the Supreme Court decided that it was the duty of a public service water company to install at its own expense meters and service connections from the mains of the company to the premises of the consumers.

The Supreme Court has now rendered its decision in Title Guarantee and Trust Company and Miradero Water Company vs. Railroad Commission of the State of California, Vol. 48 California Decisions, 171. In that decision the Supreme Court upholds the contention of the Commission that it is the duty of a public utility water company to install, at its own expense, the meter and service pipes from the mains of the water company to the premises of the consumer.

While the Order of the Commission is annulled on the

ground that the City of Glendale, and not the Railroad Commission, has power to compel the performance of this duty, the Court clearly decides that it is the duty of the public water utility to install the service connection pipes at its own expense, and also that an order from the proper authority that the company shall also install meters at its own expense would be valid.

In reliance upon this decision, I must hold, in accordance with the decision of the Railroad Commission in the Glendale cases, that it is the duty of the Janss Company to install meters and service connections within the "Belvedere District" at its own expense, and that the present service connection charge of \$25.00 now imposed by the Janss Company is unjust and unreasonable and must be abolished.

I am impressed, however, with the contention advanced by the Janss Company at the hearing that it would be unjust to require the company to expend moneys for the installation of meters and service connections in those instances in which the immediate use of water through such connections is not assured. The company should not be required to install meters and service connections unless there is an immediate prospect of a return to the company in rates for water supplied through such connections. I shall, accordingly, allow the Janss Company, in every case in which it does not appear that water will be immediately used through the connection demanded, to require that the sum of \$15.00 be paid to the company by the party demanding the connection, this sum to be applied by the company upon all monthly bills incurred by the consumer for water furnished through said connections until the entire sum of \$15.00 has been absorbed in the amounts properly chargeable to said consumer for water furnished. In allowing the company to make this charge in all cases in which it does not appear that water will be immediately used through the connection, it must not be understood that the Commission regards such a rule as proper in all cases. The facts and circumstances peculiar to this case, in my opinion, make such a rule proper in this instance. It is primarily the duty of public utility water companies to make service connections and install meters at their own expense. Exceptions to this general rule

should be allowed only when peculiar facts and circumstances justifying such exceptions exist. The conditions surrounding the service of water in the "Belvedere District" are such that ^{an} exception may properly be made.

It will be expected that all payments to the Janss Company for service connections made during the pendency of the present proceeding, including those payments made under protest, which were referred to at the hearing, will be refunded by the company to the consumers excepting in such instances, if any exist, where water has not been used through a connection since the same has been installed.

I herewith submit the following form of Order:

O R D E R.

This case having come on regularly for hearing and the Commission being duly advised in the premises, the Commission hereby finds as a fact that the regulation of the Janss Company requiring that a charge of \$25.00 be paid for service connections installed within the "Belvedere District" is an unjust and unreasonable regulation,

IT IS HEREBY ORDERED that said regulation be and the same is hereby abrogated, and that the Janss Company be and it is hereby ordered to make service connections to the property line and install meters free of charge for persons living in the "Belvedere District" along the mains or pipe lines of said company and desiring connection for the service of water, except in those instances in which it appears that the connection requested will not be immediately used for the supply of water, and in these cases Janss Company is authorized to collect from the person requesting the connection the sum of \$15.00 in advance of installing of meter and service connection, which sum shall be applied upon all bills properly becoming due for water furnished through such connection until the entire sum has been absorbed in amounts due for water so supplied.

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 19th day of
September, 1914.

John M. Washburn

H. D. Woodruff

Max Thelen

Commissioners.