

ORIGINAL

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

Decision No. 1823

BALDWIN PARK CHAMBER OF COMMERCE,

Complainant,

-vs-

BALDWIN PARK DOMESTIC WATER COMPANY,
S. M. Walker, Proprietor,

Defendant.

Case No. 423.Gail and Pence for Complainant
Daniel M. Hunsaker for Defendant.

GORDON, Commissioner.

OPINION

The complaint of Baldwin Park Chamber of Commerce alleges that the defendant, Baldwin Park Domestic Water Company, of which S. M. Walker is the proprietor, is engaged in selling and distributing water for domestic use to the residents of Baldwin Park, which is situated about thirty miles east of the city of Los Angeles; that the business methods employed by the defendant are such as to seriously retard the growth of the community served by the Company; that the defendant refuses to install service connections for domestic consumers except upon payment of a charge therefor, the amount of which charge is not uniform, and that it is unjust and unreasonable to impose upon the consumer any charge for installing such service connections; that the defendant company has in effect a regulation providing that the Company will furnish water only in case the consumer signs a contract to receive water for a period of ten years, and that such a regulation is unjust and unreasonable. The com-

plaint asks that this Commission require the defendant to install service connections and meters free of cost to domestic consumers and declare that consumers shall not be required to sign a contract to receive water for a term exceeding one year.

The answer of Baldwin Park Domestic Water Company denies that its business methods are such as to retard the development of Baldwin Park; denies that the charge imposed upon domestic consumers for service connections has no uniformity; alleges that the present rates at which water is supplied, the Company is unable to make any profit. The defendant asks that the complaint be dismissed and that the rates of the Company be increased.

The request of Baldwin Park Domestic Water Company for an increase in rates was subsequently made the subject of an application filed with this Commission, namely, Application No. 747,- "In the matter of the application of Baldwin Park Domestic Water Company, S.M. Walker, Proprietor, for authority to increase rates and charges and for authority to change rules and regulations." In the order upon that application the Commission will give full consideration to the question of the proper rates to be charged by Baldwin Park Domestic Water Company.

In the present case, therefore, there are but two issues presented, namely, the reasonableness of the rule of the defendant company requiring that domestic consumers pay for the cost of installing service connections and the reasonableness of the rule of defendant company requiring consumers to sign a ten-year contract to receive water.

This Commission has heretofore announced in several cases that it is the duty of public service water companies to install at their own expense, meters and service connections from the mains of the company to the premises of the consumer. There is no reason for making an exception in the present case. In considering the application of Baldwin Park Domestic Water Company to increase its rates it will be assumed that the Company will

install meters and service connections without cost to consumers, and the rates established will be determined upon that basis. I recommend, therefore, that the Company be required to abrogate its regulation requiring domestic consumers to pay a charge for meters and service connections.

Park

Baldwin Domestic Water Company has entirely failed to justify its regulation requiring consumers to sign a ten-year contract to receive water. Furthermore, I am unable to say how such a regulation can be of advantage even to the Company. It will be extremely difficult to enforce such a contract. The requirement that a ten-year contract be signed by the consumers appears to me in this case to be clearly unreasonable. While the complaint asks that this regulation be declared unreasonable and that the consumers be not required to sign a contract for a term in excess of one year, I believe that it is unreasonable for the Company to even insist upon a one-year contract. I, accordingly, recommend that the Company be required to abrogate its present regulation requiring that a ten-year contract be signed by those desiring water.

I submit herewith 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 Baldwin Park Domestic Water Company, requiring domestic consumers to pay a charge for the installation of a meter and service connection from the main of the Company to the property line of the consumer, is unjust and unreasonable; and

IT IS HEREBY ORDERED that said regulation be, and the same is hereby abrogated, and that said Company be, and it is

meter
ordered to install a 5/8 inch and a 3/4 inch service connection from its mains to the property lines, free of charge for all persons living in Baldwin Park along the mains or pipes of said Company and who shall, in good faith, request a service connection for the supply of water for domestic use.

The Commission FURTHER FINDS AS A FACT that the regulation of Baldwin Park Domestic Water Company requiring the consumers to sign a ten-year contract to receive water is an unjust and unreasonable regulation, and

IT IS HEREBY ORDERED that said regulation be, and the same is hereby abrogated.

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 September, 1914.

H. B. Loveland
Chas. Gordon
Max Thelen
Commissioners.