

Decision No. ✓

ORIGINAL

Decision No. 1991

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

John Nougier et al.,
Complainants,

vs.

J. Benton Van Nuys et al.,
Defendants.

Case No. 488

EDGERTON, Commissioner.

O P I N I O N

It was alleged in the complaint herein that defendant refused to connect certain lots in the city of San Gabriel with its water system unless the sum of \$20 was deposited with defendant.

Answer was made to the complaint admitting the refusal to make such connection except upon the condition named, and thereafter a stipulation was entered into between plaintiff, John Nougier, and J. Benton Van Nuys, Annis H. Van Nuys Schweppe and Kate Van Nuys Page as the proper defendants in said action, providing that said plaintiff should pay to said defendants the sum of \$20 to cover the cost of installing a meter and service connection from the water main of the defendants to the property line of said plaintiff, as set forth in the complaint, said sum to be held to await the final decision of the Railroad Commission in this matter.

A like stipulation was entered into between C. H. M. Shibley, a co-plaintiff of Nougier, and the same defendants.

This case was then set down for hearing, and subsequently and before the hearing, a stipulation was filed whereby defendants agree that the case may be submitted upon the pleadings and without any hearing, and that an order of the Railroad Commission may be entered requiring the defendants to repay to the plaintiffs the money heretofore paid to said defendants for the service connections heretofore made to the property of said plaintiffs from the system of said defendants, and that said order may contain a provision that said defendants will not in future require any consumer to pay for the cost of installing a service connection. The stipulation also contains a provision that the order of the Commission shall be made without prejudice to the rights of the defendant to submit to the Commission hereafter new rules or regulations covering the deposits upon installation of meters and service connections.

This stipulation covers the demands made in the complaint, and I recommend that an order be made in accordance therewith. The order may properly contain a provision that the rights of the defendants to submit to the Commission hereafter rules or regulations covering the matter of deposits or the cost of the installation of service connections or meters are not waived.

Herewith a form of order:

O R D E R

Complaint having been made by John Nougier and C. H. M. Shibley against J. Benton Van Nuys, Annis H. Van Nuys Schweppe and Kate Van Nuys Page, and it having been stipulated that an order may be made without a hearing herein,

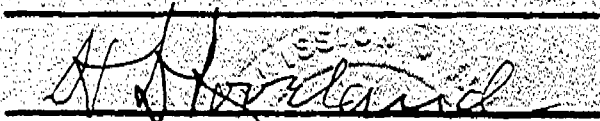
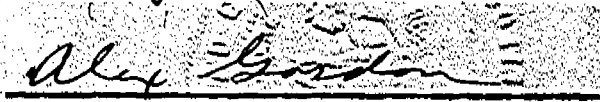
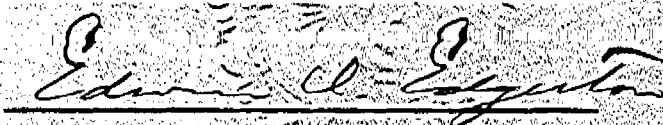
IT IS HEREBY ORDERED by the Railroad Commission of the State of California that said defendants forthwith return to said plaintiffs all sums collected by said defendants from said plaintiffs as a deposit or payment for the service con-

nections and meters installed by said defendants between their water system and the property line of plaintiffs.

IT IS HEREBY FURTHER ORDERED that said defendants shall not hereafter collect from any consumer as a deposit or final charge the cost of installing a meter, or service connection between the water system of said defendants and the property line of said consumer, provided, that defendants shall have the right to hereafter present to the Commission for its consideration any rules and regulations covering the subject of deposits or charges for service connections and meters.

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 9th day of December, 1914.

Commissioners.