

ORIGINAL

Division No. 2233

Charles E. Warren and Herbert Pash  
Complainants

vs.

CASE No. 727

Pacific Gas and Electric Company  
Defendant

Charles E. Warren and Herbert Pash in propria persona  
Charles P. Catten for defendant.

THELEN Commissioner

OPINION

This is a complaint by Charles E. Warren and Herbert Pash of Cupertino against the Pacific Gas and Electric Company alleging that defendant refuses to extend its lines and provide the necessary facilities to serve complainants with electric energy for lighting and power purposes.

The subject matter of the present complaint was taken up informally with the Commission on May 5th, 1914, at which time Mr. Warren reported that the company had refused to supply him with electric service unless he advanced the sum of \$900.00, and also that the company had demanded from Mr. Pash an advance payment of \$629.10 before extending its lines to the points where electric energy is to be utilized on the Pash property. These advance payments were to be refunded to Mr. Warren and Mr. Pash annually on

the basis of 20% of the sum of all payments made by them to the company during the year.

From evidence introduced at the hearing, the facts appear to be as follows:

Both complainants, Charles E. Warren and Herbert Pash, are orchardists owning separate orchard properties and residing on the east side of Stevens Creek adjacent to the Homestead Road near Cupertino.

Charles E. Warren desires electric service for lights and a small motor for domestic pumping at his residence which is situated about 300 feet south of a point on Homestead Road approximately 600 feet east of Stevens Creek. This complainant also desires electric service for a 20 H.P. motor for irrigation pumping, which motor is to be installed at a point on the east side of Stevens Creek about 2,000 feet south of Homestead Road.

Herbert Pash, in addition to requiring lights in his residence and other buildings situated some 500 feet north of a point on Homestead Road about 600 feet east of Stevens Creek, desires electric service for a 20 H.P. motor to be used for irrigation pumping purposes. For a portion of each season the 20 H.P. motor above referred to will be located at a point on Stevens Creek immediately north of the Homestead Road and at other times will be located at a well some 600 feet east of Stevens Creek north of and adjacent to the Homestead Road. Provision for a change in the location of the motor and pumping installation on the Pash property is made necessary because of the fact that ordinarily there will be water in Stevens Creek only during the early part of the irrigating season, which necessitates considerable pumping from the well above referred to.

In the latter part of 1913 complainants applied to defendant for electric service of the character mentioned, but notwithstanding the fact that defendant did not at that time refuse to extend its lines to

complainants' premises, the lines of defendant were not constructed and complainants were without electric service of any character at the beginning of the irrigating season of 1914. Fearing that electric energy would not be available for irrigation early enough in 1914 to enable complainants to do the necessary irrigating, both Mr. Warren and Mr. Pash purchased and installed gasoline engines to operate their pumps, which engines have been used by them since early in 1914. Subsequently complainants renewed their request to defendant for electric service and defendant refused to extend its lines and supply said service except upon condition that Mr. Warren advance the sum of \$900.00 or Mr. Pash advance the sum of \$629.10 which amounts defendant agreed to refund to complainants on the basis of 20% of the gross annual payments made by them for the service furnished. Complainants refused to accept service on the basis proposed by defendant and on May 5th, 1914, Mr. Warren filed an informal complaint requesting that the Commission require defendant to extend its lines and to supply them with electric service.

An investigation of the complaint was subsequently made by Mr. L. S. Ready, one of the Commission's assistant electrical engineers, who recommended a basis for adjustment of the matter, which recommendation contemplated the construction by Mr. Warren and Mr. Pash at their own expense of lines located entirely upon their respective properties; and the construction by and at the expense of the company of all the lines on public highways in addition to furnishing and installing the necessary transformers and meters. Mr. Ready's suggestion was accepted by defendant but complainants desired to have the Commission rule formally upon the matter and filed their complaint in this case.

Defendant has heretofore constructed an extension from its 11,000 volt line on Saratoga Road westerly along Homestead Road to a point approximately nine tenths of a mile east of the intersection of the private roads leading to complainants' residences, with Homestead Road and about one mile east of the Homestead Road bridge over Stevens Creek.

The cost of supplying service to complainants is estimated by defendant as follows:

Extension of 11,000 volt line on Homestead Road (approximately 9/10 mile )	\$ 629.10
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Tap Lines:

Charles E. Warren,	Residence 300 ft.	\$58.50	
" " "	Power 2,500 ft.	258.30	
Herbert Pash	Residence 500 ft.	55.30	
" "	Power (No Extension)		372.10

Transformers and Meters:

Charles E. Warren	Residence	\$ 17.25	
" " "	Power	241.95	
Herbert Pash	Residence	6.50	
" "	Power	<u>300.40</u>	<u>566.10</u>

Total Estimated Cost	\$ 1,567.30
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The annual revenue as estimated by defendant is as follows:

Charles E. Warren,	Residence	\$ 42.00	
" " "	Power	<u>120.00</u>	\$ 162.00
Herbert Pash	Residence	12.00	
" "	Power	<u>120.00</u>	<u>132.00</u>

Total Estimated Revenue	\$ 294.00
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From the facts as above stated it will be evident that when application was first made for service by complainants, defendant demanded that the cost of the extension, not including transformers, and meters, be advanced before service would be supplied. Subsequently defendant agreed to construct lines and furnish the transformers and meters, necessary to serve complainants, at an

estimated cost of \$1,195.20, provided complainants would advance the cost of tap lines estimated to cost \$372.10

From an investigation of the estimates submitted by Mr. Ready it appears that in accordance with the following recommendations the cost to be borne by the company of the main extension, transformer switches, transformers and meters installed and secondary extension along the public road to serve the complainants will be approximately as follows:

Main extension	\$ 599.70
Transformers and meters	562.90
Transformer switches	40.00
Secondary extension along road	105.70
Labor of installing transformers, transformer switches and meters	<u>78.50</u>
	\$ 1,386.80

The extensions across private property as estimated by Mr. Ready were,

Charles E. Warren	20 H.P. Pump	\$ 262.70
" " "	House	28.60
Herbert Pash	House	52.00

From this should be deducted the cost of the transformer switch used for Mr. Warren's plant and cost of installing transformers and switch which have been included in the above. The revised estimate of this cost is:

Extension to Charles E. Warren	20 H.P. Pump	\$210.60
Extension to " " "	Residence	28.60
Extension to Herbert Pash	Residence	<u>52.00</u>
		\$291.20

Mr. Ready's estimate of probable annual revenue is as follows:

Charles E. Warren	Residence	\$ 48.00
" " "	Power	120.00
Herbert Pash	Residence	15.00
" " "	Power	<u>180.00</u>
Total Annual Revenue		\$ 363.00

Reference was made at the hearing to alleged discriminatory practices of defendant in extending its lines and providing the necessary facilities for furnishing electric service in the San Jose District, but

Inasmuch as this matter, in so far as the territory involved in this case is concerned, is now before the Commission in connection with Cases No. 477 and No. 550, it will not be necessary to consider it separately in this proceeding. It may be well also to mention the fact that the Commission, in connection with Case No. 683, has now under investigation the general question of deposits and advance payments to secure service as well as all other forms of deposits and guarantees demanded by electric and certain other public utility corporations in California.

In view of the facts in connection with this particular case and considering the local conditions only, it would appear that the investment necessary to serve complainants with electric energy from defendant's present 11,000 volt distribution lines on Homestead Road would not be immediately profitable if the entire expense were borne by defendant. On the other hand, it may be that the estimates of probable revenue are too low, and it may also be possible that defendant's revenue as a whole from this class of service in the territory under consideration would fully justify an order directing defendant to furnish the necessary facilities and to supply electric service to complainants without any additional expense to that contemplated in the rates of defendant as filed with the Commission. Owing to the fact, however, that the evidence in this case is confined to a certain proposed extension of defendant's present 11,000 volt lines on Homestead Road and the furnishing of service from that source, I have considered the matter primarily as an individual local problem. From this point of view it appears that complainants should each bear a portion of the expense involved in extending the necessary lines and providing the necessary facilities to supply electric energy to the points on their respective properties where the service is to be utilized.

After a careful consideration of the evidence as presented, I find as a fact that complainants are entitled to receive service from defendant and that defendant should construct the necessary lines, supply and install

the necessary facilities and connections, and furnish electric energy to complainants under the conditions which are specified in the order herein.

I submit the following form of order:

ORDER

A public hearing having been held in the above entitled proceeding, and the case having been submitted and now being ready for decision, and the Commission finding that the directions herein given are just and reasonable,

IT IS HEREBY ORDERED that Pacific Gas and Electric Company, within twenty days after the completion by complainants of the construction to be done by them as hereinafter indicated, extend its 11,000 volt distribution line along Homestead Road to a point halfway between the two proposed pumping plants of Mr. Herbert Pash; construct all necessary primary and secondary extensions required to serve the two pumping installations of Mr. Herbert Pash and connect its lines to the primary and secondary extensions to be constructed by the complainants as hereinafter indicated; furnish and install all transformers, transformer switches and meters required; install the transformer switch used in connection with the Charles E. Warren pumping plant so that the primary extension across Mr. Warren's private property may be disconnected from the company's lines when the plant is not in operation; and thereafter supply electric energy to complainants, subject to the following conditions precedent:

1. That Mr. Charles E. Warren shall construct or cause to be constructed all necessary primary and secondary line extensions

required to connect his pumping plant and residence service to a point within one span of the proposed extension of defendant's lines.

2. That Mr. Herbert Pash construct or cause to be constructed the secondary line extension across his private property required in addition to that necessary to serve his residence were it located adjacent to the Homestead Road.

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 3<sup>rd</sup> day of February, 1915.

Max Thelen

Alex Gordon

Edwin O. Edgerton