

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

Decision No. 2429

ORIGINAL

LOUIS DEROCHEER and DEROCHEER, INC.,
Complainants,
-vs-
E. E. HALL,
Defendant.

Case No. 792.

Louis Derocher, for Complainants
E. E. Hall, in propria persona

GOEDON, Commissioner:

O P I N I O N

Complainants allege in their complaint that they are in the nursery business in Hollywood, this being a portion of the city of Los Angeles; that the defendant operates a public utility water system; that the defendant has heretofore supplied water to the premises now occupied by complainants, but has since turned off the water and discontinued supplying these premises. Complainants ask that the defendant be required to again furnish water to these premises.

I believe it is important to notice the exact issue present^{ed} in this complaint. Complainants do not seek to have the Commission require defendant to extend its water mains, but to require the defendant to again give service to premises which have heretofore received water from defendant's system, and which premises are alleged to lie within the area which defendant has undertaken to serve. The subject matter of this

complaint, therefore, is not an extension of service, but involves the character and quality of the service to premises heretofore supplied with water from defendant's system.

This being the case, I believe that the city of Los Angeles, and not this Commission, has the exclusive jurisdiction to entertain a complaint of this character. This Commission has already fully discussed the effect of the constitutional and statutory provisions in effect in this State, reserving to the municipalities of this State the powers of control over public utilities which they possessed on March 23, 1912, unless the municipalities voluntarily vote these powers into the Commission. (Dooley v. Peoples Water Company, 3 Cal. R.R. Commission Decisions, 948. Pratt v. Spring Valley Water Co., 4 Cal. R. R. Commission Decisions, 1077.)

The city charter of Los Angeles in effect on March 23, 1912, in section 2 of Article I, gives to the municipality the power

"To fix and determine the rates or compensations to be collected by any person, firm or corporation, for water, gas, electric current, refrigeration, heat, light, power, telephones, telephone service or connections, or the conveyance of passengers or freight by means of street railway cars, hacks, cabs or other cars or vehicles for hire, or for the products of, or service by, any other public utility operated or conducted within the city limits; and to prescribe the character and quality of any public utility service."

This section of the charter expressly gives to the city of Los Angeles the right to prescribe the character and quality of any public utility service supplied within the municipal limits. It seems to me clear, therefore, that the complaint in this case falls within the scope of that provision, and that the city of Los Angeles has exclusive jurisdiction over the subject matter of this proceeding. I, accordingly, recommend that the complaint in this proceeding be dismissed, and submit

the following form of order:

ORDER.

This case having come on regularly for hearing and the Commission being of the opinion that it has no jurisdiction in the premises,--

IT IS HEREBY ORDERED, that the complaint in this proceeding 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 of the State of California.

Dated at San Francisco, California, this 27th day of May, 1915.

The block contains three handwritten signatures of Railroad Commissioners, each written over a horizontal line. The signatures are: H. J. Loveland, A. H. ... (partially obscured), and Edmund O. ... (partially obscured). A circular stamp is partially visible behind the signatures. Below the signatures, the word "Commissioners." is printed.

Commissioners.