

Decision No. 2475

ORIGINAL

Case No. 797.

In the matter of the Railroad Commission's investigation on its own motion into the rates, service, rules, regulations and practices of W.L. COURTRIGHT, a water utility engaged in the sale of water for compensation in San Rafael, California.

W. L. Courtright in propria persona.

REBLEN, Commissioner.

O P I N I O N.

In Case No. 755, McCoy, et al., vs. Marin Water and Power

Company, in which case a decision is this day being rendered, the complainants asked this Commission to direct Marin Water and Power Company to serve water to them directly for use in the Laurel Dells Subdivision of San Rafael. The evidence in Case No. 755 shows that Laurel Dells Subdivision has been placed on the market by W. L. Courtright; that Courtright agreed to supply water to purchasers of lots in this subdivision; that he secures his water from Marin Water and Power Company and pumps it into a tank on the higher portion of the Laurel Dells Subdivision, from which tank the water is distributed to Courtright's customers through a distribution system constructed and owned by Courtright; that a portion of this subdivision could be supplied by Marin Water and Power Company by gravity flow but that a number of Courtright's customers live at an elevation above the line of gravity flow and cannot be supplied without pumping; that on a number of occasions, namely, May 5, November 14, December 7, 1914, and April 11, 1915, Marin Water and Power Company shut off Courtright's water by reason of his failure to make the necessary monthly advance payments for water, with the result that Courtright's consumers were without water for periods ranging from one day to two or three days; and that the complainants

in Case No. 735 accordingly desire to discontinue taking water from Courtright and to have this Commission direct Marin Water and Power Company to build its distributing system into this subdivision and to serve complainants and others directly.

The evidence in Case No. 735 shows that Courtright has completely piped this subdivision and that it would be a waste of money to direct Marin Water and Power Company to duplicate his system. Marin Water and Power Company is unwilling to take over the operation of the system because of the fact that it will be necessary to pump water to supply a number of Courtright's consumers. The Marin Water and Power Company is unwilling to establish a precedent which may result in the company's being asked to pump water in a large number of other cases in which subdivisions at a high elevation are or may hereafter be placed on the market. Mr. Courtright desires to retain his distribution system so as to be in a position to deliver water to other lands which he is subdividing and which he desires to supply with water through this system.

The Commission being of the opinion that the complaint in Case No. 735 could not be satisfactorily adjusted unless Courtright were brought before it, instituted the above entitled investigation, on its own motion, into the rates, rules, service, regulations and practices of Courtright. A public hearing in this investigation was held in San Francisco on May 22, 1915.

The evidence on this hearing shows that the entire difficulty has resulted from Courtright's failure to pay his monthly bills, in advance, to Marin Water and Power Company. The company is now suing Courtright for moneys due for water delivered in the past, and does not feel justified in delivering water further except on prepayment, month by month. Courtright claims, in partial justification, that his consumers are slow in paying their monthly bills, and that he needs the money from this source to enable him

to pay the bills of Marin Water and Power Company. The evidence shows that Courtright is buying his water from Marin Water and Power Company at 30 cents per thousand gallons and that he is reselling it at 50 cents per thousand gallons. Some water is lost in Courtright's distributing system and he is put to some additional expense to pump to his tank the water received from Marin Water and Power Company.

Marin Water and Power Company agreed at the hearing that it would extend the time for Courtright's monthly advance payments until the 10th of each month, so as to give him an opportunity to collect his bills from his own consumers. Courtright will have the right to demand payment in advance from such of his consumers as do not pay their bills promptly, with the privilege of disconnecting such consumers as do not make their advance payments by the 10th of the month.

Courtright drew attention to the fact that he could save considerable pumping expense and also leakage if a connection with the Marin Water and Power Company's main lying in the San Rafael and San Quentin Road were made at a point in the extension of an unnamed street lying next northwesterly from Eva Street. Such connection would enable Courtright to lead water directly to his three inch distribution line and to serve a larger portion of his consumers without the expense of pumping. Marin Water and Power Company has agreed to make such connection without expense to Courtright for the connection itself and to install a one inch meter.

Both the Commission and Marin Water and Power Company have gone as far as they could to improve Courtright's situation. He agreed with each purchaser in his subdivision to supply water and it is his duty, both under his contracts and as a public utility, to see to it that his customers secure water continuously. The Commission will expect Mr. Courtright henceforth to pay his water

bills promptly, so that there will be no occasion for shutting off the water and no necessity for further proceedings to compel the performance by Courtright of his obligation as a public utility.

I submit the following form of order:

O R D E R.

The Railroad Commission having instituted on its own motion the above entitled investigation into the rates, service, rules, regulations and practices of W. L. COURTRIGHT, a water utility engaged in the sale of water for compensation in San Rafael, and a public hearing having been held and this case being now ready for decision,

IT IS HEREBY ORDERED that W. L. COURTRIGHT, a water utility, be and he is hereby directed to pay his monthly water bills to MARIN WATER AND POWER COMPANY promptly, in advance, on or before the 10th day of each month and to give to his consumers continuous and adequate water service. Mr. Courtright may require payment in advance from his consumers where necessary, such payment to be made on or before the 5th day of each month, and may disconnect any consumer who fails to make advance payments, when demanded, on or before the 10th day of each month.

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 14th day of June, 1915.

Wm. J. ...
W. J. ...
Eugene O. Edgerton
Frank R. ...
Commissioners.