

Decision No. _____

ORIGINAL

Decision No. 2544

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

JOHN G. MCCARTHY, et al.,

Complainants,

vs

SANTA MONICA WATER COMPANY,

Defendant.

Case No. 701.

J.C. Steele and J.W. Freeman for Complainants.

Goudge, Williams, Chandler & Hughes, by H.J.
Goudge, for Defendant.

REEDER, Commissioner.

OPINION

Complaint was made in this proceeding against the rates and certain alleged rules, regulations and practices of Santa Monica Water Company.

At the hearing, it appeared that for some time past the Water Company has made no charge for the installation of meters and also no charge for connection and disconnection except in cases of disconnection for failure to pay back bills. At the hearing, all charges against the Company were withdrawn except the charge that the minimum rate is too high and that the Company has failed to make extensions at its own expense in cases in which complainants allege such extensions should be made.

The defendant in its amended answer asks that the Railroad Commission make an order authorizing an increase of its rates.

For the reasons stated in the decision this day being rendered in Case No. 698, Freeman, et al., vs. Irwin Heights Water Company, it will be unnecessary, at the present time, to give consideration to the issues as to rates herein presented.

This leaves for consideration only the question of extensions. Complaint with reference to failure to make extensions was made herein, as follows:

1. Mrs. Frank Farris.

Mrs. Farris lives at No. 1434 Fourteenth Street in Santa Monica, and is served by a 2 inch pipe which is laid in the alley through Blocks 111, 136 and 161. Between thirty-five and forty consumers are served from this line. The evidence shows that the pressure is inadequate and that the line should be replaced by a 4 inch line. I shall recommend an order that this be done.

2. Mr. C. G. Walker.

Mr. Walker desires to build a house on lot J, Block 18 on Ninth Street between Idaho and Montana. His property is located 475 feet distant from an 8 inch main on Montana Avenue. He offers to put in a 3/4 inch pipe to this main at his own expense but the Company refuses to connect him.

3. Mr. C. A. Tegner.

By letter dated May 6, 1915 the defendant asked the Commission for a ruling with reference to this case. Mr. Tegner desires to build a house on lot M, Block 43 between Idaho and Montana and Eighth and Ninth Streets. The Company at the present time has 250 feet of 1 inch pipe serving three consumers in this vicinity and in order to serve Mr. Tegner the Company

claims that it will be necessary to replace this 250 feet of 1 inch pipe with 4 inch standard pipe and to extend it a further distance of 250 feet. It would be necessary to cross one 80-foot macadamized street. The Company claims that it would cost \$283.15 to replace its 1 inch main and to make the extension desired by Mr. Tegner. The Company has refused to make this expenditure on the ground that the revenue to be derived from this extension would not be compensatory. Mr. Tegner later appeared before the Commission at one of the public hearings herein and testified to his need for the water. He testified that he was being served by hose from a temporary tap at the end of the Company's present line in the rear of Lot C, Block 68, and that there are eight houses already constructed in Block 68 of which four were built during the last fourteen months.

The property, both of Mr. Walker and of Mr. Tegner, is located in an area which is entirely surrounded by the mains of Santa Monica Water Company. No other Company serves water in this portion of Santa Monica. This Commission has frequently laid down the rule that where a Water Company is doing business within a city under a franchise under the Constitution of 1879 it is in general the duty of the Water Company to serve at least the general territory occupied by its system. It is not necessary in this proceeding to consider the question of the extent to which it will be necessary for the Water Company to go beyond the general territory which is being served.

A Water Company cannot reasonably expect that each extension will pay for itself. The situation must be viewed as a whole. There may well be cases in which it would be unfair to the other consumers of a utility and to the utility itself to

compel the utility to make a certain extension at its own expense. I am satisfied, however, that the cases presented by Mr. Walker and Mr. Tegner are not of this character, and that the Water Company should make the necessary extensions, at its own expense, to serve the property of these two men. The character of the extension I am willing to leave to the good judgment of the Water Company.

4. Lottie McDevitt and Elizabeth Trimlett.

These people own lots 17 and 18, in Block 7 in the Chelsea Green Tract at the northwest corner of Twenty-sixth Street and Arizona Avenue upon which two houses are now being constructed. Mrs. Trimlett testified concerning the need for water on these premises. Mr. James Armstrong, one of the Railroad Commission's Hydraulic Engineers, testified concerning the means necessary to be taken to convey water to these premises and that in his judgment the only question at issue, from an engineering standpoint, was whether the Company should install a 4 inch pipe or a temporary 1 inch pipe. An extension of 432 feet would be necessary.

The property of these people is located in an area which is surrounded by mains of Santa Monica Water Company in each direction, and in no case distant more than one block.

For the reasons hereinbefore given with reference to the extensions desired by Mr. Walker and Mr. Tegner I find that Santa Monica Water Company should also make an extension at the Company's expense to serve the McDevitt and Trimlett properties, the character of the extension to be determined by the Water Company.

Complaints with reference to extensions are the only complaints of any substantial character which have been made to this Commission with reference to this Company. The Company

has itself asked the Commission for advice with reference to certain of the extensions hereinbefore discussed, in an apparent desire to proceed in harmony with the Commission's views in cases of this character.

I believe that I have now disposed of all the issues in this proceeding requiring consideration at the present time.

I submit herewith the following form of order:

O R D E R

A public hearing having been held in the above-entitled proceeding and the same having been submitted and being now ready for decision,

IT IS HEREBY ORDERED, as follows:

1. Santa Monica Water Company is hereby directed to replace by means of a 4 inch main the 2 inch main located in the alley between Blocks 111, 136, 161 and beyond to its end, now serving Mrs. Farris and some thirty-five to forty other consumers.
2. Santa Monica Water Company is hereby directed to install at its own expense the extensions necessary to serve the properties of C. G. Walker, C. A. Tegner, Mrs. Lottie McDevitt and Mrs. Elizabeth Trimlett, as described in the opinion which precedes this order, and thereafter to serve said premises with water at the Company's usual rates.
3. In all other respects further consideration of the above-entitled proceeding shall be deferred until it is definitely ascertained whether or not the City of Santa Monica will elect

to acquire the lands, property and rights of Santa Monica Water Company.

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 30th day of June, 1915.

Max Thelen
H. B. Leonard
Chas. G. Gordon
Edwin C. Edgerton
Frank R. Dirken
Commissioners.