

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of Tujunga Water and Power Company, a corporation, for an increase of rate to be charged and paid to it for furnishing, distributing and selling its water to the public users thereof and especially to the inhabitants of those communities known as Tujunga Terrace and Hansen Heights (Unincorporated).

Application No. 1493.

F. E. Davis, for Applicant.

James Donovan, for Dan and William Clemmons, Protestants.

J. Madison Carter, for Protestants in Tujunga Terrace and Hansen Heights.

W. F. Irvine and Wm. H. Holmes, for Eucalyptus
Estates Co.

LOVELAND, Commissioner:

FIRST SUPPLEMENTAL OPINION.

After much investigation and several public hearings of the affairs of this Company, the last being upon Application No. 1493 of the Company for an increase in its rates, decision was finally rendered on the 8th of July, 1915.

The necessity for a supplemental order seems now to be apparent upon the following statement of facts, namely: The history of this Company shows that there have been periods of drought in the past during which time it was impossible for the Company to furnish the requisite amount of water for the number of acres under cultivation.

According to testimony submitted at the hearing of the application to increase rates there are, at present, approximately 500 acres under cultivation upon which a "stand-by" charge of \$6.00 per acre was fixed and users required to declare the number of acres they would desire to irrigate in any irrigation season, and to pay said charge in advance in two installments on April 15th and July 15th.

The necessity for the supplemental order arises from the fact that no provisions were made in the opinion and order issued in Application No. 1493, supra, protecting the users in the event the Water Company could not furnish the amount of water paid for in advance, as outlined above. The Water Company has undertaken to serve water to the extent that users declare their requirements, and the obligation is laid upon it to put itself in condition to render such service. Clearly, if it does not do so and furnishes only a part of the amount of water agreed upon and paid for in advance, it is entitled to retain the same proportion only of the amount collected under the preliminary or "stand-by" acreage charge.

FIRST SUPPLEMENTAL ORDER.

IT IS THEREFORE ORDERED that should the Tujunga Water and Power Company fail to deliver to its consumers the full amount of water which such consumers have declared to be their requirements, and for which they have paid in advance, said Tujunga Water and Power Company be, and it is hereby ordered under such circumstances, to credit such consumer with the amount of water which the Tujunga Water and Power Company has failed to deliver to such consumer. The charge which has been made for the water not furnished shall be considered

to be advance payment upon water required for the following irrigation season and shall be so credited to the consumer upon the books of the Company.

The foregoing First Supplemental Opinion and Order are hereby approved and ordered filed as the First Supplemental Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 9th day of August, 1915.

Max Thebe
H. J. Overland
W. L. Gordon

Frank P. Derbin
Commissioners.