Decision No.

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Case No. 890.

Decision No. 21

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALSORNIA.

CITY OF ROSEVILLE, a municipal corporation,

Complainant,

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PACIFIC GAS & ELECTRIC COMPANY, a corporation,

Defendant.

James B. Gibson, City Attorney, for complainant. Charles P. Cutten for defendant.

BY THE COMMISSION.

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The complaint of the City of Roseville, a municipality of the sixth class in Placer County, allogos, among other matters, that defendant, Pacific Gas and Electric Company, has been for the last five years, and still is, engaged in the business of supplying the inhabitants of the City of Roseville with electric energy: that except as to a few of its customers applicant has installed no meters, but is basing its charges upon a system of flat rates: that the charges made by defendant to its customers in the City of Roseville have been made without regard to other customers of the same class and have been unequal, unfair and discriminatory between its customers and users of the same class. The defendant, by

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its answer, admits that most of its customers in the City of Roseville are being supplied and charged on a flat rate basis, but denies that its rates have been fixed without regard to the charges made to other consumers of the same class; and denies that its charges to its consumers in the City of Roseville have been unequal or unfair or discriminatory between its customers or users of the same class.

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A public hearing was held in the City of Roseville on January 14, 1916. From the evidence it appears that the City of Roseville owns and operates an electric distributing system paralleling defendant's system throughout the city. The city's consumers are all metered. The city's rate for lighting and domestic uses is 5¢ per K.W.H. for the first 100 K.W.H. and 3¢ per K.W.H. in excess of 100 K.W.H. per month, with no minimum charge and its power rate is 3¢ flat with a minimum of 50¢ per horse power per month. The evidence further showed that defendant receives on an average less than 2¢ per K.W.H. for energy furnished by it in the City of Roseville on a flat rate basis. from the evidence

It is apparent/that the City of Roseville invication development and appearing in behalf of its oitizens, as consumers of the defendant, and asking to have the rates established upon a metered basis for the benefit of such consumers; but it is in effect asking this Commission to force the defendant to alter its basis of charges, not because the present rates are too high, but because they are too low.

Not one of the defendant's 200 consumers appeared to protest against the existing rates of the defendant. All of them are apparently satisfied with these rates. In other words, the City of Roseville is not appearing in this case in behalf of any consumers of defendant, nor is it, itself, a consumer. In

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other words, the City has no relationship to the defendant except that of a competitor: of the defendant within the City of Roseville. As far as the defendant's obligations are concerned, the City is an entire stranger to the defendant. If any existing or intending consumers of the defendant desire to complain of defendant, they can easily do so.

Under the facts herein disclosed, the complaint should be dismissed.

ORDER

THE CITY OF ROSEVILLE having filed a complaint with the Railroad Commission against PACIFIC GAS AND ELECTRIC COMPANY, a corporation, requesting this Commission to establish fair and reasonable metered rates to be charged and collected by defendant, and to order and require defendant to install meters for the purpose of measuring electric energy supplied to its several customers in said City of Roseville, and a public hearing having been held thereon at which both oral and written evidence was introduced, and the Commission finding that complainant's interest is not such as to justify this Commission in entertaining the complaint,

IT IS HEREBY ORDERED that the above entitled proceeding be and the same is hereby dismissed.

Dated at San Francisco, California, this \mathcal{I}/\mathcal{I} day of

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February, 1916.

Commissioners