

ORIGINAL

Decision No. 3223

Decision No. \_\_\_\_\_.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application of )  
MYRTLE A. JENSON for permission to ) Application No. 2141.  
discontinue water service. )

Frank L. Muhleman for applicant.

BY THE COMMISSION.

O P I N I O N.

This is an application on behalf of Myrtle A. Jonson, the owner of a certain water system formerly known as Linda Vista Water Company, located on the tract known as Linda Vista in the City of Pasadena, for permission to discontinue water service to certain consumers.

A public hearing was held in Pasadena on March 27, 1916. From the evidence it appears that there are about twenty-five water consumers in Linda Vista, nine or ten of whom receive their water from the municipal system of Pasadena, the remainder being supplied by applicant. The distributing lines of the municipal system are laid along the principal streets of said tract and it is possible to connect a majority of applicant's consumers with the municipal system.

According to the claims of applicant, one of the conditions upon which the property in this tract was sold by her and her predecessors in interest was that the purchasers would be supplied with water from applicant's system until they were able to procure water from some other source, at which time applicant might cease to serve them. From the evidence of several purchasers from applicant's predecessor, however, it appears that they bought their land with the provision that they should be served by appli-

can't's water system, without any such limitation as above set forth. There is no evidence to show that any such reservation was contained in any deed of applicant's predecessor. The present rates charged by applicant are upon a flat rate basis of \$1.25 per month for the head of each family, with an additional charge of 5¢ for each additional person in the family.

Applicant has at present sixteen or seventeen consumers and her total receipts average \$18.75 per month. According to evidence introduced by applicant, the operating expenses of the system amount to at least \$20.00 per month, without any allowances for interest or depreciation.

It developed at the hearing that applicant wishes at this time merely to discontinue serving those of its consumers whose lots front on streets through which run mains of the municipal water system of Pasadena, and authority to discontinue in the future serving any consumer after municipal mains shall be run in front of such consumer's property.

Applicant derives her water from eleven tunnels approximately 4 by 5 feet cross-section, with a total length of 890 feet, and according to the evidence of several witnesses, including that of Mr. S. B. Morris, Chief Engineer of the City Water Department, and Mr. T. D. Allin, one of the city commissioners, the entire system does not produce more than two or three miners inches of water in the dry season. Applicant is not at present pumping any water, and, according to these same witnesses, it would be impracticable for applicant to develop any substantial additional supply owing to the small drainage area providing the underground supply.

Mr. Morris further testified that the city had ample facilities for serving the consumers whom applicant wishes to discontinue serving and that, in his opinion, the consumers would receive a far better service from the city than they could hope to receive from the applicant.

Applicant desires to discontinue serving these consumers in order to enable her to develop and serve other land which the municipal plant can not serve. None of the consumers directly affected by this application objected to receiving water from the municipal plant instead of from applicant except upon the ground of not wishing to bear the expense of installing the connections. It is the practice of the city to charge its consumers the actual cost of installing the meters and service connections and in several cases it might be necessary for applicant's consumers to run new pipes to their own property lines.

Under all the circumstances we feel that in those cases in which the consumers of applicant purchased their property under an agreement by applicant, or its predecessor in interest, to serve the purchaser with water without any reservation as to the termination of this liability when the purchasers could procure water from some other source, applicant should be allowed to discontinue its service only upon condition that it will bear the cost to the consumers of obtaining service from the municipal system but that subject to this provision both applicant and its consumers will be benefited by the change in service.

O R D E R.

MYRTLE A. JENSON, having applied to this Commission for an order authorizing her to discontinue water service to certain of her consumers as set forth in the foregoing Opinion, and a public hearing having been held, and it appearing that certain of applicant's consumers can be more adequately served by the municipal water system of Pasadena than by applicant, and that said application should be granted in part subject to the conditions hereinafter set forth,

IT IS HEREBY ORDERED that Myrtle A. Jenson be and she is hereby authorized to discontinue serving water to those of her consumers whose property fronts on streets through which water mains of the City of Pasadena now run, and

IT IS HEREBY FURTHER ORDERED that said Myrtle A. Jenson be and she is hereby authorized to discontinue in the future, from time to time, serving those of her remaining consumers whose property served fronts on streets through which water mains of the City of Pasadena shall at such time be laid.

The authority herein granted is granted subject to the following conditions and not otherwise:

1. Applicant shall not, unless connection with the city system is made, discontinue service to any consumer until thirty (30) days after applicant shall have given said consumer written notice that the City of Pasadena is prepared to serve such consumer, and that applicant intends to discontinue service upon a certain date.

2. Applicant shall, in each case, send a copy of said notice of discontinuance to this Commission.

3. In all cases in which applicant's consumer obtained his property from applicant or from applicant's predecessor in interest by a deed agreeing to furnish water to said consumer or his predecessor in interest (without a reservation as to release from this obligation upon the purchaser being able to obtain water from another source) before discontinuing serving such consumer applicant shall pay the cost to the consumer of obtaining service from the municipal system.

Dated at San Francisco, California, this 1st day  
of April, 1916.

Max Thelen

H. Howard

Frank R. DeWitt  
Commissioners.