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Decision No. _____.

ORIGINAL

Decision No. 3546

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA.

D. Miller,

Complainant,

v.

Case No. 927.

Pacific Gas & Electric
Company,

Defendant.

D. Miller in propria persona.
Charles P. Cutten for Defendant.

BY THE COMMISSION.

O P I N I O N

The complaint herein alleges that defendant has refused to serve complainant's apartment house, known as the Ideal Apartments, located at 307 Twenty-first Street, Oakland, with electric service, and prays that the Commission require the defendant to serve said apartments.

The complainant alleges in effect that he owns the Ideal Apartment House; that it is at present being served by the Great Western Power Company; that the said service is unsatisfactory and that at times he is without light and power in said apartment house; that for the above reasons he has made application to the Pacific Gas and Electric Company to supply his house with electricity but that said company has refused to do so, and attributes the refusal to the reason that complainant has a contract with the Great Western Power Company for service, which contract has not normally expired.

In its answer defendant admits that complainant is supplied by the Great Western Power Company and that defendant has refused, and still refuses, to supply complainant with electric current for the reason that complainant is receiving current under a contract with the Great Western Power Company. Defendant alleges, on information and belief, that complainant is supplied with electric energy by the Great Western Power Company through an underground service, that the cables constituting said underground service are the property of the Great Western Power Company and that defendant cannot supply the complainant with lighting and power service through said service unless the Great Western Power Company shall discontinue service.

From the testimony in this case it appears that at the present time the Ideal Apartments are being supplied by the Great Western Power Company under a three-year contract entered into February 5, 1914.

Originally the service to the apartment house was made by an overhead connection which was later changed to underground, and the cost of this latter service was partly borne by Mr. Miller and partly by the Great Western Power Company. At the present time an underground service and riser pipe are installed. The Great Western Power Company's lines are located on the opposite side of the street from

the apartment house, and service is rendered by the use of a joint pole owned by the Pacific Gas and Electric Company and the Great Western Power Company, adjacent to the apartments, upon which the riser is located. Testimony at the hearing regarding the ownership of the service, conduit and cable was somewhat conflicting, and the Great Western Power Company and the complainant were asked to advise by letter the facts regarding the ownership. From the statements submitted, it appears that as far as the service is concerned Mr. Miller paid for the conduit and lead covered duplex cable, the Great Western Power Company furnishing the neutral wire.

Although objections to the character of the service rendered by the Great Western Power Company were made by complainant, it appears that the continuity of service was such as to cause few complaints from other consumers.

The service to this apartment house is underground, but the territory in which it is located is not in the underground territory of Oakland. According to the testimony of Mr. Furniss of the Pacific Gas and Electric Company, the ordinance requirements of Oakland do not compel the electric company to construct underground services to the consumers in overhead districts, and in this case Mr. Miller expressed his willingness to pay for, or construct at his own expense, the underground services which will be necessary. As it is agreed that the riser pipe and part of the cable was supplied by Mr. Miller in the service connection now existing, it should not be necessary for an additional underground service to be constructed.

We find on the facts of this case that service should be rendered to complainant by defendant.

O R D E R

Complainant having applied to the Railroad Commission for an order directing the defendant, Pacific Gas and Electric Company, to connect its lines so as to serve complainant with electricity at his premises;

And the Railroad Commission, after public hearing in relation thereto, having fully considered the facts and proofs adduced and all and singular being advised in the premises,

NOW THEREFORE, IT IS HEREBY ORDERED that defendant, Pacific Gas and Electric Company shall, within twenty (20) days from the date of this order, make the necessary connections of its electric distribution lines to serve complainant with electricity sufficient to supply the requirements of the Ideal Apartments, under the following conditions:

1. Complainant, D. Miller, shall make the usual application to defendant for service.

2. All necessary underground service wires and pipes required shall be furnished by complainant at his own expense in accordance with complainant's offer.

Dated at San Francisco, California, this 28th
day of July, 1916.

Max Thelen
H. Shoreland
Francis R. Dyer
Commissioners.