

Decision No. _____

Decision No. 3588

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

GEORGE D. EASON, et al.,

Complainants,

-vs-

BEAUMONT LAND & WATER COMPANY
and SAN GORGONIO WATER COMPANY,

Defendants.

Case No. 941.

BY THE COMMISSION:

OPINION.

This complaint was filed by a number of holders of so-called water-rights under the water systems of defendants. The complaint alleges that at all times prior to the 25th day of April, 1913 the defendant water companies improperly exacted a charge of \$50.00 per acre for the right to receive water for irrigation; that such sums were improperly collected to the amount of approximately \$100,000. The complaint further alleges that at all times prior to April 25, 1913, said defendants refused to install meters or service connections except upon the payment to them improperly of the cost of such

meter and service connections; that such sums have been improperly collected to the amount of approximately \$10,000.

The prayer of the complaint is that the Commission award reparation to the complainants for "said charge of \$50.00 per acre and the said charge for meter and service installation," together with interest thereon from the date of payment thereof.

The defendants have filed a motion to dismiss the complaint for lack of jurisdiction.

The jurisdiction of the Commission to award reparation is defined in section 71 of the Public Utilities Act. This section provides in part, that "all complaints concerning excessive or discriminatory charges shall be filed with the Commission within two years from the time the cause of action accrues."

The complaint alleges that at all times prior to the 25th day of April, 1913, the charges as to which reparation is sought were exacted by the defendants. The complaint was not filed until March 31, 1916. Accordingly, it appears from the face of the complaint itself that the Commission would not have jurisdiction to award reparation in this proceeding. The complaint must accordingly be dismissed.

It may be that some of the complainants in this proceeding actually paid the charges within the statutory period, although this does not appear from the complaint. The complaint will, accordingly, be dismissed without prejudice in order that the complainants, if any, who did make their payments within the statutory period will not be precluded from filing a complaint with the Commission. If any such complaint is

filed, we suggest that the complaint state definitely when each of the charges complained of was actually paid. We recommend that this practice be followed in all complaints wherein reparation is sought.

O R D E R.

It appearing from the face of the complaint in this proceeding that the Commission does not have jurisdiction to award relief upon the allegations contained in the complaint,

IT IS HEREBY ORDERED that the complaint be, and the same hereby is dismissed without prejudice.

Dated at San Francisco, California, this 18th day of August, 1916.

Max Thelen

Alfred Gordon

Edwin O. Edgerton

Commissioners.