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

ORIGINAL

Decision No. 2683

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of )  
Mt. Konocti Light and Power Company )  
for an order extending time for com- )  
pliance with Chapter 499, Laws of ) Application No. 2316  
1911, as amended by Chapter 600, )  
Laws of 1915. )

A. C. Hastings for Mt. Konocti Light and  
Power Company.  
J. Morgenthauer and William Rhys for  
Electric Workers.

TEBBLEN and DEVLIN, Commissioners.

O P I N I O N

This is a petition for an order extending the time for compliance with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915, referring to the construction, reconstruction, maintenance and use of electric poles, wires, cables and appliances.

A public hearing in this proceeding was held in San Francisco on July 14, 1916.

For a statement of the law governing proceedings of this character and of the principles guiding the Railroad Commission in its decision therein, reference is hereby made to the decision this day rendered in Application No. 2222, Los Angeles Gas and Electric Corporation et al.

Petitioner owns and operates an electric transmission and distributing system in the northern section of Lake County, including the towns of Lakeport, Upper Lake, and Kelseyville, and the southern end of Mendocino County, including the town of Hopland.

Mr. A. C. Hastings, petitioner's Vice President, testified that petitioner is operating about 80 miles of 6,600-volt distributing lines, all of which lines were constructed subsequent to the effective date of Chapter 499, Laws of 1911. He testified that due to an oversight by the management at the time, petitioner neglected to paint the crossarms yellow on about 30 miles of the line and that there are a few other minor violations of the statute.

Petitioner asked for an exemption from the provisions of the statute in certain respects. As we read Chapter 499, Laws of 1911, and Chapter 600, Laws of 1915, we have no authority to grant exemptions. As we read these statutes, it is our duty to enforce them as they are written. With the exception that under section 8 of Chapter 600, Laws of 1915, we have the authority to prescribe such additional requirements as in our judgment may be necessary for the purpose of safety to employees and the general public. While we thus have the authority to impose additional requirements, we do not understand that we have any authority to subtract from the requirements proscribed in the statute.

Petitioner asks an extension of eight years. We consider this request entirely unreasonable, particularly in view of the fact that this system has been constructed subsequent to the effective date of Chapter 499, Laws of 1911, and should have complied, in all respects, with the statute.

One of the Railroad Commission's inspectors has visited petitioner's property and has advised petitioner with reference to the work which must be done to comply with the statute.

In view of the fact that the construction of this system has taken place entirely subsequent to the effective date of Chapter 499, Laws of 1911, we are of the opinion that

petitioner should proceed at once to remove the violations of the law and that the extension of time herein should not extend beyond June 30, 1917.

We submit the following form of order:

ORDER

Mt. Konocti Light and Power Company having applied for an order extending the time within which to comply with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915, and a public hearing having been held,

IT IS HEREBY ORDERED as follows:

1. The time within which petitioner herein shall reconstruct its existing system so as to comply completely with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915, is hereby extended to and including June 30, 1917, on condition that at least one-half of the reconstruction work necessary to be done shall be completed on or before December 31, 1916, and the entire work on or before June 30, 1917.

2. At the times herein directed, petitioner shall file with the Railroad Commission, on forms to be supplied by the Railroad Commission, progress reports showing, in such detail as will be prescribed by the Railroad Commission, the extent to which the necessary reconstruction work has been performed during the period covered by the report and also the extent to which reconstruction work remains to be done in order that the property will comply with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915. The first report shall cover the period ending December 31, 1916, and shall be

filed with the Railroad Commission within fifteen days subsequent thereto. The succeeding report shall cover the succeeding six months' period, and shall be filed on or before the expiration of fifteen days after the termination of such succeeding period of six months.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 26<sup>th</sup>  
day of September, 1916.

Max Thelen  
H. B. Loveland

Edwin O. Edgerton  
Graus R. Gerbner  
Commissioners.