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Decision No. _____

ORIGINAL

Decision No. 3930

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA.

J. R. Hays and George Hays,
Complainants,

v.

Case No. 936.

Baldwin Park Domestic Water
Company, S. M. Walker Pro-
prietor,

Defendant.

J. R. Hays in propria persona.
Humeaker and Britt, by H. C. Beach,
for Baldwin Park Domestic Water Com-
pany.

BY THE COMMISSION.

OPINION

Adequacy of service is the main issue in this proceeding.

Complainants in this matter are the owners of lots twenty-seven and twenty-eight (27 and 28) Bertha Munger Tract, Baldwin Park, and consumers of Baldwin Park Domestic Water Company, a public utility. At pres-

ent water service is obtained through a small so-called private service line, alleged to have been installed at complainants' expense, extending from defendant's water main on Main Street, Baldwin Park, to the back of the lots hereinbefore named. Complainants allege that the quality of service rendered through said small service line is poor and insufficient to meet their proper requirements; that since the installation of said small service line defendant has installed a large water main on the street fronting their property, from which adequate service can be obtained. Complainants desire that service be provided them from the main in front of their property and also request permission to remove the so-called private service line of which ownership is claimed.

Defendant in answer admits that complainants are within its service area and that it is the owner of a four inch pipe line laid upon an undedicated street fronting complainants' property, but alleges that this four inch line was installed for the purpose of serving only certain lots in the Bertha Munger Tract, complainants' lots not being included therein, and that said four inch line is not capable of supplying complainants without endangering the rights of those for which it was originally contemplated. It denies that service now rendered through the private service line is inadequate or that any improvement in the quality of service can be obtained for complainants from said four inch pipe line. Concerning owner-

ship of the private service line, defendant denies that complainants have any right, title or interest therein, but alleges that such line was installed by it upon request of complainants under an agreement whereby Baldwin Park Domestic Water Company became the owner thereof in consideration of its paying one-third of the cost and obtaining an easement therefor.

A hearing was held on this matter in Los Angeles, April 11, 1916. The evidence shows that an oral agreement, now in controversy and relating to the small service line heretofore mentioned, was made between the complainants in this action and the Baldwin Park Domestic Water Company some considerable time prior to this Commission's Decision in Case No. 683, in the matter of the practice of water, gas, electric and telephone utilities requiring deposits before rendering service (Volume 8, Opinions and Orders of the Railroad Commission of California, page 372), which enunciates certain rules and regulations governing extensions of this character. Notwithstanding the fact that this Commission made repeated efforts through informal proceedings to have Baldwin Park Domestic Water Company install the small service line in conformity with such rules and regulations as were afterwards formally adopted in said decision above referred to, defendant collected outright payments for at least a portion of this small service line, in accordance with the oral agreement hereinbefore mentioned. During the course of the hearing complainants

offered to relinquish whatever rights they possessed, if any, in this small service line, provided service was furnished by defendant from the large main fronting their property.

The evidence clearly establishes the obligation of Baldwin Park Domestic Water Company as a public utility to serve applicants requesting installation of connections with the four-inch pipe line hereinbefore described. While at present some ten or twelve consumers are so receiving service, the testimony indicates that it has sufficient capacity to provide service to complainants.

The testimony regarding the relative length of the service mains in controversy is conflicting. It, however, appears that complainants now receive their water through a line consisting of some 240 feet of two-inch diameter and 290 feet of one-inch diameter and that the pipe line from which they desire service is of less length and of decidedly greater capacity.

The Commission's assistant engineer, James Armstrong, testified that the pressure in the mains and the amount of water available to complainants will be greater if connection is made for their benefit with the four-inch main.

Defendant's claim that the cost of installing service connection demanded by complainants would be unreasonable and excessive was not supported by testimony of actual cost of similar installations.

After a comprehensive review of all the evidence in this proceeding, the Commission finds that

complainants are not receiving the service to which they are entitled and which they would receive should connection be made with the four-inch main installed by defendant and by defendant maintained and operated past complainants' premises and that the expenditure necessarily to be made by defendant in the installation of a service connection for the purpose of delivering water from this main to the property line of complainants is reasonable.

O R D E R

J. R. HAYS and GEORGE HAYS having made complaint to this Commission that they are now receiving inadequate service from Baldwin Park Domestic Water Company through their present form of service connections,

And a public hearing having been held and it appearing from the evidence that said J. R. Hays and George Hays are inadequately supplied with water from Baldwin Park Domestic Water Company through their present form of service connections, and that adequate service can be provided by said Baldwin Park Domestic Water Company from connection with said company's four inch pipe line fronting said complainants' property:

IT IS HEREBY ORDERED that Baldwin Park Domes-

tic Water Company be, and it is hereby, directed to install at its own expense service connections to lots twenty-seven and twenty-eight (27 and 28) Bertha Manger Tract, Baldwin Park, owned by J. R. Hays and George Hays, from its four-inch pipe line fronting said lots.

IT IS HEREBY FURTHER ORDERED that Baldwin Park Domestic Water Company install and complete connections herein ordered within thirty (30) days from the date of this order.

Dated at San Francisco, California, this 13th
^{December}
day of ~~November~~, 1916.

H. H. Boardman
Alex. Gordon
Edwin C. Edgerton
Frank R. Devlin
Commissioners.