

Decision No. 4988

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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LOUIS GALLI,)	
)	
Complainant,)	
)	
-vs-)	Case No. 1164.
)	
ROSEVILLE WATER COMPANY, a)	
corporation,)	
Defendant.)	

J. B. Gibson for complainant.
Meredith, Landis & Chester, by
J.D.Meredith, for defendant.

BY THE COMMISSION.

O P I N I O N

In this complaint it is alleged in effect that previous to July 7, 1917 water was furnished by defendant to complainant, a hotel proprietor, at a flat rate of \$5.50 per month; that about July 7, 1917, a meter was installed at his premises without notification or warning; that no bills were presented from July 1 until November 1 and that the bill when presented was three and a half times that of previous bills for equal periods. Objection is made to the installation of the meter on the ground of discrimination in that none of the other hotels have their water supply metered, and complainant asks that he be restored to the former flat rate and that the defendant be compelled to accept payment for the time the meter has been in use, at the flat rate formerly in force.

The defendant in its answer states that previous to the installation of the meter the complainant wasted large quantities of water, chiefly from the overflowing of a water trough in front of his premises and through defective connections in the pipe leading to this trough; that the complainant was notified on various oc-

casions of this leakage, and warned that unless the existing conditions be remedied a meter would be installed. As no attention was paid to these warnings, on or about July 7 the meter was installed. The defendant further alleges that on the first of each month from July 1 to November 1 a notification that his water rent was due was sent complainant.

A public hearing was held before Examiner Westover at Roseville on December 7, 1917 and the evidence submitted was very conflicting.

The complainant testified that there was no leak in the pipe in question; that there was no water wasting at the trough except at infrequent intervals when someone using the trough neglected to turn off the faucet; that no complaint in regard to the alleged wastage was made to him by the defendant; that he had received no notification of the proposed change from flat rate to meter rate, and the only notice he received was when he saw the meter being installed; that from the time the meter was installed until November 1 he received no bill or notice that bill was due; and that November 1 he received a bill for July, August, September and October for \$73.40 which is far in excess of the old flat rate.

Mr. W. G. Hemphill, Manager for the defendant, testified that during the past summer he frequently noticed the wastage; that he called it to the attention of the complainant and warned him that unless the conditions were remedied a meter would be installed; that no attention was paid to his warning, so on July 7 the meter was installed.

C. A. McRae, collector for the defendant, testified that he had seen the water wasting and that early in August he saw the complainant and informed him that his July bill under the meter amounted to about \$15.00 and suggested payment, and that the first of each month he mailed to complainant the regular monthly notice stating that the monthly water rental was due.

During the early part of November the pipe leading to the trough

was replaced by a smaller pipe and the faucet changed to a key socket, the key being kept in the hotel. The water bill for the month of November under the meter rate was \$7.65 and for October \$18.00, showing that water can be conserved by proper attention to fixtures.

An examination of the premises by representatives of the Commission disclosed conditions indicating that water had wasted for a considerable period from the trough to the sewer manhole.

The rates of the defendant were established by the Board of Trustees of the City of Roseville and later reduced by the company. When both flat rates and meter rates are established, the average effect of the one is theoretically the equivalent of the other, so that changing from one to the other in any instance is not in itself discrimination.

O R D E R

A public hearing having been held in the above entitled proceeding and the matter having been submitted and being now ready for decision,

IT IS HEREBY ORDERED by the Railroad Commission of the State of California that the complaint be and it is hereby dismissed.

Dated at San Francisco, California, this 26th day of December, 1917.

Max Theiler
H. H. Howard
W. G. Gordon
Erwin O. Edgerton

Commissioners.