

**THE NEXT**

**DOCUMENTS ARE**

**POOR ORIGINALS**

**MICROFILMING SERVICES**

*will not assume responsibility  
for the image quality*

Decision No. 5307

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

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

J. R. McHENRY,  
Complainant,

vs.

Case No. 1198.

SAN JOAQUIN LIGHT AND  
POWER CORPORATION,  
Defendant.

.....

J. R. McHenry in propria persona.  
Short & Sutherland, by W. A. Sutherland, for  
San Joaquin Light and Power Corporation.

REEDMAN, Commissioner.

O P I N I O N.

The complaint herein alleges that the complainant in October, 1917, requested the defendant to serve him with electric energy for the operation of a 7 1/2 horse-power motor to drive a pump for the irrigation of a tract of land in Merced County but that he has been unable to secure any assurance from the defendant that the service will be rendered.

The answer alleges, in effect, that it will cost \$747.00 to make the necessary extension and that the revenue therefrom will not exceed the sum of \$130.00 annually. The answer also alleges that it is extremely doubtful as to whether defendant will be able to supply electric energy to serve any new customers.

A public hearing was held in Fresno on April 8, 1918, at which time the proceeding was submitted.

The testimony shows that complainant desires to secure

from defendant electric energy for the operation of a 7 1/2 horse power motor to irrigate a tract of land in Merced County for the production of beans and corn; that complainant made application for this service to defendant in October, 1917; that complainant has dug his well and has made the necessary arrangements to secure motor and pump; that complainant is ready to sign a three year contract for six months/<sup>flat rate</sup>continuous service; that defendant would secure, from such contract, an annual revenue of \$210.00; that complainant is willing to pay such portion of the cost of the extension as may be necessary so as to bring him within defendant's usual rule that it will make extensions at its own expense whenever the annual gross revenue therefrom is one-third the cost of the extension; and that complainant asks service in accordance with the order in which his application was filed.

The testimony further shows that the rainfall and snow-fall conditions subsequent to the filing of the answer herein have very materially improved and that defendant now no longer takes the position that it will not be able, by reason of lack of power, to serve new applicants... for power, of whom there are now more than 350. Mr. A. C. Balch, defendant's vice president, testified that defendant has on hand sufficient material to make the extensions as required, excepting transformers and that the transformers are being delivered to the defendant in increasing quantities.

In view of complainant's statement that he is willing to place himself within the usual three to one rule, defendant stated that it would be willing to serve him in the order of the application which he heretofore made.

The order herein will be based on the agreement of the parties and will in no way prejudice such rule for the making of extensions as may be established by this Commission in Application No. 3531, San Joaquin Light and Power Corporation, now pending

or in other proceedings.

I submit the following form of order:

O R D E R.

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

IT IS HEREBY ORDERED that San Joaquin Light and Power Corporation construct the necessary extension to its electric distributing system and thereafter serve complainant herein with electric energy for the operation of a seven and one-half (7 1/2) horse power motor, under a three year contract for six months flat rate / continuous service for the irrigation of the lands described in the complaint herein; provided, that complainant shall place himself in such a position that the gross revenue to be derived by the defendant from said service shall equal one-third of the cost to defendant of making said extension, including transformers and meters; and, provided further, that service shall be rendered to the complainant herein in the order in which his application for service was filed with defendant.

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 15<sup>th</sup> day of April, 1918.

Max Thelen  
Alex Gordon  
Edwin C. Edgerton  
Frank R. Kelsey

Commissioners.