

ORIGINAL

Decision No. _____

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

Decision No. 5780

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In the Matter of the Application of)
SOUTHERN CALIFORNIA EDISON COMPANY,)
MT. WHITNEY POWER & ELECTRIC COMPANY)
and H. G. LACEY COMPANY for an order)
extending the time within which to)
comply with the provisions of Chap-)
ter No. 499, Laws of 1911, as amend-)
ed by Chapter No. 600, Laws of 1915.)

APPLICATION

NO. 3599

Harry Bauer for Applicants.
J. Morgenthauer for Electrical
Workers.

BY THE COMMISSION:

O P I N I O N

This is a petition for a supplemental order of
the Railroad Commission extending the time for compliance
with the provisions of Chapter No. 499, Laws of 1911, as
amended by Chapter No. 600, Laws of 1915, referring to
the placing, erection, use and maintenance of electric
poles, wires, cables and appliances.

Decision No. 3675, dated September 26th, 1916, directed that Southern California Edison Company's overhead electric system should comply in all respects with the provisions of the law on or before June 30th, 1919. Applicant now contends that, owing to the abnormal conditions brought about by reason of the war, particularly referring to the increased costs and scarcity of material and labor, the completion of required reconstruction within the time previously specified will place upon it a burden which will be difficult of accomplishment, and which, in the light of the present emergency, appears unjust and unreasonable. Applicants also contend that they have removed a large proportion of the hazardous conditions and that no serious hazard would result from the continuance of certain of the infractions until removed by normal maintenance and replacements. Testimony of applicants shows material increase in cost of supplies and labor required for this work, and also difficulty in obtaining the necessary labor to carry on the work.

Subsequent to the date of issue of Decision No. 3675 in this matter, Southern California Edison Company acquired on May 26th, 1917 and November 19th, 1917, respectively, all of the property then owned by the Pacific Light and Power Corporation and all of the property then owned by the Ventura County Power Company. In this same Decision No. 3675, Pacific Light and Power Corporation was granted an extension of time to and including June 30th, 1919, within which to complete the required reconstruction, and in Decision No. 3692 the Ventura County Power Company was granted to and including

December 31st, 1918 for the completion of such reconstruction.

In acquiring the property of Pacific Light and Power Corporation, Southern California Edison Company acquired control of the Mt. Whitney Power & Electric Company, and there is now pending before the Commission a proceeding whereby the H. G. Lacey Company proposes to convey its property to the Mt. Whitney Company. It is apparent from the foregoing that by reason of the community of interests that exists between the different companies, consideration of the case of each should be treated as a part of the whole and in this proceeding shall be so treated.

Testimony on behalf of the two latter companies relating to the manner in which they are affected by existing conditions pertaining to materials, labor and kindred elements, are identical with those as set forth by the Edison Company, and it is therefore logical that a corresponding process of reasoning should be employed.

The Commission's Decision No. 3666 directed that the overhead electric system of the Mt. Whitney Company should comply in all respects with legal requirements on or before June 30th, 1919, and that of the H. G. Lacey Company on or before December 31st, 1917.

For a statement of the law governing proceedings of this character and the principles which guided the Railroad Commission in its previous decisions in this matter, reference is hereby made to Decision No. 3675 in Application No. 2222, dated September 26th, 1916, (Opinions and Orders of the Railroad Commission of the State of California, Vol. 11, P. 291), in which decision the Commission reviewed the matter of jurisdiction and the request for an extension

of time by applicants therein within which to complete the required reconstruction.

The Commission's attitude in the matter of compliance with the law is very clearly and definitely expressed in the opinion set forth as a part of the above mentioned decision, from which is quoted the following:

"We believe that the situation will be clarified if all parties understand definitely that the State's policy as announced in these Statutes is to be carried into effect as speedily as is reasonably possible, and that the Railroad Commission intends to do everything in its power to bring about this result."

Applicants should constantly hold in mind that the Commission's attitude remains unaltered and were it not for the emergency with which the nation is now confronted this application, if entertained at all, would be treated in an entirely different manner.

From a consideration of the progress made in the past, it is apparent that the interests represented herein, with the exception of the original Southern California Edison Company interests, have not displayed an attitude toward the Commission's previous orders in relation hereto that is in any wise commendable. On the contrary, they have decidedly failed to show the diligence in carrying on the work that the order clearly indicated as that which would be expected.

In the case of the Southern California Edison Company testimony points to the involved conditions surrounding certain lines by reason of joint pole construction which exists in the City of Los Angeles. In order that the work of removing violations on such poles may be carried on with

greatest economy, it is obvious that all the utilities involved should do their reconstruction jointly. This difficulty could be obviated by properly directed co-operation.

Representatives of the Electrical Workers opposed the granting of further extension of time beyond June 30th, 1919, urging that the utilities could obtain the necessary employes to do the work and that the safety to the linemen required that the work be completed.

It appears from evidence, however, that a considerable number of infractions are of a technical nature and their removal would not greatly increase general safety. In fact evidence of applicants is, in general, to the effect that certain features of the required reconstruction might be properly postponed in view of the present urgent demand for conservation.

We are of the opinion that applicants should remove all existing hazardous conditions within as short a time as possible, and we believe that the use of material and labor for this work could not be considered other than essential. There appears little question but that the utilities could obtain the necessary employes to complete this part of the reconstruction. We believe that except for the cases wherein special hazard exists, either to employes or the general public, an extension of time should be granted for complete compliance with the law. This will conserve material and supplies which unquestionably will be required to meet future demands directly or indirectly essential to the winning of the war.

Counsel for applicants has stated that they would gladly undertake immediately any reconstruction which, in the opinion of the Commission, appears to be hazardous.

It is practically impossible in an order to define specifically what type of infractions are thusly involved, and the evidence presented is not of sufficient detail to specify what poles or lines should be reconstructed.

In order to bring about a definite understanding as to just what work may be postponed and what shall be carried on to immediate completion, it appears that the most satisfactory procedure would be for the Commission's Gas and Electric Division, which has charge of the inspection of lines for the Commission, to be instructed to inspect lines of applicants and to indicate to their representatives the specific work that should be immediately undertaken, and that this Division, under the Commission's authority, shall outline the schedule which the applicants shall follow in the prosecution of the work.

O R D E R

Southern California Edison Company, Mt. Whitney Power & Electric Company and the H. G. Lacey Company having applied to this Commission for an order extending the time within which to comply with the provisions of Chapter 499, Statutes of 1911, as amended by Chapter No. 600 of the Statutes of 1915 of the State of California, pub-

lic hearing having been held and the matter submitted,

IT IS HEREBY ORDERED that the reconstruction of applicants' overhead electric system to comply with the provisions of the above referred to laws, shall be prosecuted in such manner as will be indicated from time to time by this Commission and so that all hazardous conditions hereafter designated by the Commission shall be removed on or before June 30th, 1919.

IT IS HEREBY FURTHER ORDERED that Southern California Edison Company, Mt. Whitney Power & Electric Company and the H. G. Lacey Company shall each continue to file semi-annual Progress Reports as provided for in previous orders of the Commission in this matter.

Dated at San Francisco, California, this
18th day of ^{September} ~~August~~, 1918.

Edwin O. Edgerton

H. A. Tolson

W. H. Clegg

Frank B. Rowley

Commissioners.