

Decision No. _____

ORIGINAL

Decision No. 5182

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

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In the matter of the application of)
SAN DIEGO CONSOLIDATED GAS & ELECTRIC)
COMPANY for an order extending the)
time within which to comply with the)
provisions of Chapter No. 499, Laws)
of 1911, as amended by Chapter No.)
600, Laws of 1915.)

APPLICATION

NO. 2223

A. H. Sweet for Applicants.
J. Morgenthaler for Electrical Workers.

BY THE COMMISSION:

OPINION

This is a petition for a supplemental order of the 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.

This Commission's Decision No. 3663, dated September 26th, 1916, directed that San Diego Consolidated Gas & Electric 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. Applicant also contends that it has 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 applicant 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.

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 26, 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 applicant has not displayed an attitude toward the Commission's previous orders in relation hereto that is in any wise commendable. On the contrary, it has decidedly failed to show the diligence in carrying on the work that the order clearly indicated as that which would be expected.

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 applicant is, in gen-

eral, 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 applicant should remove all existing hazardous conditions within as short a time as possible, and we believe that the use of material and labor for such work could not be considered other than essential. There appears little question but that applicant 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.

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 immediately 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 applicant and to indicate to their representatives the specific work that should be immediately undertaken, and that this Division, un-

der the Commission's authority, shall outline the schedule which the applicant shall follow in the prosecution of the work.

O R D E R

San Diego Consolidated Gas & Electric Company having applied to this Commission for an order extending the time within which to comply with the provisions of Chapter No. 499, Statutes of 1911, as amended by Chapter No. 600 of the Statutes of 1915 of the State of California, public hearing having been held and the matter submitted,

IT IS HEREBY ORDERED that the reconstruction of applicant's 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 San Diego Consolidated Gas & Electric Company shall 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 1918.

Edwin C. Edgerton
H. D. ...
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Frank R. ...
Commissioners 330