

Decision No. 5827-

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

ELIZA GRAHAM, a widow,
Complainant,

-vs-

OCEAN SHORE LAND COMPANY,
a corporation,

Defendant.

Case No. 1255.

BY THE COMMISSION:

O P I N I O N

The complaint in this proceeding alleges that the complainant is the owner of certain lots of land situated in the County of San Mateo, State of California, on which land is a residence which, for the last two years, has been occupied and to which water has been supplied from a water system owned and operated by defendant, Ocean Shore Land Company. The complaint alleges, however, that at all times the defendant has declined to make any charge for the service rendered in delivering water, and complainant asks that the Commission require the defendant to furnish a more adequate supply of water, and that the Commission fix

a reasonable rate therefor.

The answer of the Ocean Shore Land Company denies the jurisdiction of the Railroad Commission upon the ground that it affirmatively appears from the complaint that defendant has never made any charge for the water supplied by it, and accordingly is not a public utility, subject to the jurisdiction of the Railroad Commission.

In our opinion, the Legislature has vested the Railroad Commission with no authority over companies supplying water without charge, and that accordingly the complaint should be dismissed.

O R D E R

It appearing to the Commission that it has no jurisdiction to grant the relief prayed for in the complaint in the present proceeding,

IT IS HEREBY ORDERED that the complaint herein be, and the same hereby is dismissed.

Dated at San Francisco, California, this 1st day of October, 1918.

Edwin O. Edgerton
H. H. Loveland
W. G. Gordon

Commissioners.