

Decision No. 6060

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

C. E. BERRY, et al.,  
Complainants,  
vs.  
ORO LOMA FARMS COMPANY,  
Defendant.

Case No. 1056.

BY THE COMMISSION.

OPINION ON PETITION FOR REHEARING.

C. E. Berry, et al., complainants in the above entitled proceeding, filed a complaint against Oro Loma Farms Company, claiming that they were not being properly served with water and that, inasmuch as defendant was a public utility, it was under obligation to adequately serve complainants.

In its answer, Oro Loma Farms Company denied that it was a public utility or that it was delivering or selling water to the general public, except such thereof as had become purchasers or prospective purchasers of lands subdivided and offered for sale by the defendant company.

A formal hearing in this matter was held at Oro Loma on May 2nd, 1917, and the Commission, by its order dated July 21, 1917, found that Oro Loma Farms Company was a public utility water company and ordered that, through certain expenditures, provision be made for more adequate service to complainants.

Oro Loma Farms Company applied for a rehearing and during the time that decision upon rehearing was pending, the Company filed an application for authority to transfer its property to a mutual irrigation company. All consumers of the former public utility appeared at public hearings in that matter and stated that they joined in the application. This application was granted.

It is now reported that the transfer of the properties has been made, as provided for by the Commission in its Decision No. 5628 in Application No. 3443, being an application of Oro Loma Farms Company to transfer its water system. It therefore becomes unnecessary to pass upon the application of defendant in the above entitled proceeding for rehearing. The original order in this case having become non-operative, the complaint of C. E. Berry, et al., should be dismissed.

#### O R D E R

ORO LOMA FARMS COMPANY having filed a petition for rehearing in the above entitled proceeding, and it now having become unnecessary for this Commission to pass upon said petition by reason of the transfer of the water system of this company to a mutual irrigation company, with the consent of all interested parties,

IT IS HEREBY ORDERED that the complaint of  
C. E. BERRY, et al., be and the same is hereby dismissed.

Dated at San Francisco, California, this 15<sup>th</sup>  
day of January, 1919.

Edwin O. Edgerton  
H. H. Boardman  
Frank R. Nelson  
H. H. Boardman

Commissioners.