

ORIGINAL

Decision No. 6380

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA

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J. MEYER,

Complainant,

- vs -

SIERRA AND SAN FRANCISCO  
POWER COMPANY,

Defendant.

Case No. 1303

E. S. Craig for J. Meyer.  
Chickering & Gregory, by A.C. Van Fleet,  
for Defendant.

MARTIN, Commissioner.

O P I N I O N

Complainant, J. Meyer, asks that defendant be required to furnish and deliver to him forthwith the necessary electric power required to operate certain pumping plants located on property near Avena, San Joaquin County, designated as Lot No. 13, Avena Colony No. 1, in Section 14, and Lots Nos. 34 and 51 of Avena Colony No. 4 in Section 15, all in Twp. 1 S., R. 8 E., M.D.B. & M., which

property complainant alleges has been levelled, checked and ditched ready for irrigation and on which complainant has installed irrigation pumps and electric motors. Complainant further alleges that on or about the month of May 1917 complainant made written application to defendant for electric power to be used for pumping water for irrigation purposes on the property of said complainant in San Joaquin County, and by assurance that defendant would supply the necessary electric power complainant put in the necessary irrigation pumps and motors but that upon repeated requests and demands that service be furnished complainant, defendant has failed, neglected and refused to furnish the necessary power. Complainant further requests that defendant be punished for contempt.

Defendant in its answer denies that complainant made written application for power service in the month of May 1917 but only wrote that he, complainant, intended to contract for a minimum of 50 horsepower; that later, after discussion in October 1917, he signed a contract for but 28 horsepower located in five plants, two of which have not, of defendant's knowledge, ever been completed or ready for service.

The evidence herein is to the effect that complainant desires electric power service for four pumping plants of 5, 15, 20 and 50 horsepower, respectively, for the pumping of water for irrigation purposes. The complainant testified that he has several hundred acres ready for irrigation and desires to plant 150 acres of tomatoes and at least 200 acres of rice as well as other crops this season; that failure to obtain the water will

result in the entire loss of these crops.

It appears that his 5 and 15 horsepower plants are practically ready for service; that wells have not been dug at the two other locations or pumping plants installed but that the plants can be ready for operation within one or two weeks after service is guaranteed. The 5 and 15 horsepower plants are located in Avena Tract, each within a distance of from 500 to 600 feet of defendant's lines.

The evidence shows that the cost of serving these two plants, based upon estimates prepared during the early part of the season under higher price conditions than now exist, would be \$400 and \$600 respectively. The 20 horsepower plant would require an additional expenditure of approximately \$1200 and the 50 horsepower motor an additional sum of approximately \$1500, making a total expenditure to serve the plants for which service is requested of \$3700. Costs under present prices according to revised estimate submitted May 13th, 1919, is \$3188.98.

The revenue to be obtained from these plants is problematical although complainant stated his willingness to guarantee a return equal to 33-1/3 per cent of the cost of the extensions after this year's operations.

It appears that negotiations regarding service at the location of the 5 horsepower plant and for certain other plants have been going on for at least the last two years. Complainant testified that he had been promised that the service would be rendered upon application but had failed to receive the service. It appears that although some negotiations were entered into regarding possible service to the 15 horsepower motor yet no defi-

nite written application was apparently made prior to 1918.

I feel that defendant has a moral obligation to serve the 5 horsepower motor at its own cost. I cannot but believe that complainant was given encouragement to go ahead with this plant and that, considering the fact that that application has been of long standing, special consideration should be given to this installation. As regards the other installations, however, I believe that complainant should be required to comply with the same rules as the company has been authorized to make effective for its general service.

I recommend the following form of order:

#### O R D E R

J. Meyer having filed his complaint against the Sierra and San Francisco Power Company demanding the defendant be required to deliver forthwith to him the necessary electric power required to operate certain pumping plants, a hearing having been held and the matter having been submitted and now ready for decision,

IT IS HEREBY ORDERED that Sierra and San Francisco Power Company be and the same is hereby ordered to make without delay, at its own expense, the necessary extension and render service to that certain proposed pumping plant of J. Meyer located on Lot 13 of plat of Avena and Avena Colonies designated as "A" and Complainant's Exhibit No. 1 in this proceeding, provided, applicant

shall sign a contract for a period of 3 years for electric service from defendant.

IT IS HEREBY FURTHER ORDERED that Sierra and San Francisco Power Company extend its electric distribution lines and install the necessary equipment to render service without delay to such other plants as complainant desires service to, provided complainant complies with the rules and regulations regarding the making of extensions as set forth in this Commission's decision No. 6381 this day issued in Case 1317.

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

3<sup>d</sup> day of June, 1919.

Edwin O. Edgerton  
H. H. Howard  
Frank K. Martin  
H. A. Brundage  
Irving Martin  
Commissioners.