

Decision No. 6456

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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CHARLES M. PATTEN,

Complainant,

-vs-

CASE NO. 1229.

HERBERT F. BROWN,  
EAST BAY WATER COMPANY,  
HERCULES POWDER COMPANY,

Defendants.

Charles M. Patten in propria persona.  
F. A. Mero for Herbert F. Brown.  
McKee & Tascheira by A. G. Tascheira for  
East Bay Water Company.  
Pillsbury, Madison & Sutro by C. C.  
Sullivan and Warren E. McBryde for  
Hercules Powder Company.

BY THE COMMISSION:

O P I N I O N

The complaint alleges that defendant Brown does not supply sufficient water; that the water served is contaminated and impure, and prays that water supply be furnished by East Bay Water Company or Hercules Powder Company, each of which is alleged to have water mains in the immediate vicinity of defendant Brown's system, of which complainant is a consumer. Complaint is also made that the flat rate of \$1.50 per month charged for domestic

water service. is exorbitant for the service rendered.

The answer of defendant Brown denies substantially all of the allegations of the complaint, as does the answer of Hercules Powder Company. The answer of East Bay Water Company alleges that it has no mains in the vicinity of defendant Brown's system; that the cost of installing and maintaining pipes for said service would be out of proportion to any revenue which could be expected from such service for many years to come, and that its water and facilities are needed for serving its patrons in the territory it now serves in Richmond, Berkeley and Oakland, etc. It developed that Hercules Water Company was intended as a defendant instead of Hercules Powder Company.

A hearing was held by Examiner Westover at Richmond, December 26th/ <sup>1918.</sup> Final decision has been held awaiting completion of arrangements for permanently improved service.

It appeared from the testimony that the Western States Porcelain Company had recently installed some 3200 feet of 1½ inch pipe and thereby connected its plant with the mains of the East Bay Water Company. Subsequently Mr. Brown, in consideration of \$500, received written authority to connect his distributing system with the porcelain company's pipe and use it until discontinued by order of East Bay Water Company. His consumers, of whom there were about 20, were then served with water procured from the system of East Bay Water Company through a connection at a point between the East Bay mains and the porcelain plant. All such water was charged to the porcelain company and paid for by it, defendant paying the porcelain works for his proportion of water so furnished by East Bay Water Company.

The latter company expressed itself as willing to continue the service under the above conditions or direct to defendant Brown, so long as the demands upon it for water were moderate, (as they had been since the physical connection was established), and it had water, but it did not wish to be called upon to serve individuals in a district lying so far from its mains. Complainant admitted that service at the time of hearing was excellent. He expressed fear, however, that good service might not continue because the arrangement for physical connection might prove temporary.

Since the hearing The Richmond Company, the water utility operated by defendant Brown, has, through the co-operation of the Commission's engineers, arranged for a direct supply from the mains of defendant East Bay Water Company and has laid a 1 inch pipe line a distance of about 900 feet, connecting its tank with said mains in such manner that a continuous and ample supply of pure water with good circulation is assured. Former service through the line of the porcelain plant has been discontinued.

The question of rates will be covered by separate opinion upon application of The Richmond Company to establish rates.

#### ORDER

The above entitled case being at issue and a public hearing having been held thereon, and it appearing from the testimony that the complaint has been wholly satisfied since it was filed, in the manner described in the opinion preceding this order.

IT IS HEREBY ORDERED that the complaint be and  
it is hereby dismissed.

Dated at San Francisco, California, this 26<sup>th</sup>  
day of June, 1919.

Edwin O. Edgerton

Frank R. Dolan

H. R. ...

Justice ...  
Commissioners.