

Decision No. 6729

ORIGINAL

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

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FRANK L. MILLER,
Complainant,

- vs -

THE LIGHT AND POWER UTILITY,
Lizzie Ghriest, Owner,
Defendant.

Case No. 1342

Frank L. Miller for Complainant.
C. H. L. Ghriest for Defendant.

BRUNDIGE, Commissioner.

O P I N I O N

This is a complaint brought by Frank L. Miller of Banning requesting that the defendant, The Light and Power Utility, be ordered to install the necessary poles, lines, service and meter and furnish complainant with electric service for lighting his residence located on Fourth Street in the City of Banning.

Complainant alleges that he is the owner of lots three (3) and five (5) of Frank Miller's Subdivision in the City of Banning, which lots are located in the south half of the block lying between Third and Fourth Streets and Nicolet and George Streets in the City of Banning; that on July 10th, 1919 a written request was made by complainant for said service but defendant has always refused and still refuses to furnish or to prepare to furnish electric service to his residence.

The hearing in this matter was held at Banning on September 24th. It appears that defendant is willing to serve complainant from a pole located on Fourth Street north of the complainant's house a distance of about 200 feet, by the installation of a pole near complainant's house and extension of line and service, requiring an expenditure of approximately \$35.00, but that, by resolution duly adopted by the Board of Trustees of the City of Banning on June 10th, 1919, defendant was ordered to remove the poles above referred to and not to install any additional poles along said street.

Defendant has a secondary circuit running north between Third and Fourth Streets and ending approximately 150 feet south of Nicolet Avenue. A one-pole extension of this line and the extending of service to the complainant's house will be sufficient to render the service desired.

More adequate service could be rendered by extending the pole up the alley last referred to than by any

means of connecting complainant's house to the circuit on Fourth Street as suggested by defendant, especially when it is noted that at the present time the secondary extension to which defendant intended to connect complainant's house is already overloaded.

The City of Banning has applied to the Commission, Application No. 4609, to have the Commission determine just compensation to be paid for the defendant's property with a view to purchasing the same.

Defendant is limited in its ability to obtain equipment and even at the present time defendant has not been able to purchase all of the equipment necessary to serve its existing consumers. Defendant has, however, sufficient poles on hand to make the extension required.

In view of the special conditions in this case it appears fair and reasonable to me that defendant should be required to make the extension in the alley between Third and Fourth Streets north from the end of the present line south of Nicolet Avenue a distance of one pole extension, and to connect its said lines with a service drop to the residence of complainant and render the service required.

This extension would cost in the neighborhood of \$60.00, and, although the Commission in general does not favor a company requiring its consumers to advance a portion of the cost of an extension, it appears, under the special conditions existing in this case, that it would be fair and reasonable to require that complainant advance to defendant the sum of \$30.00 as partial payment for the cost, same to be refunded with in-

terest at 6 per cent per annum 12 months from date said money is advanced, or at such earlier time as defendant might sell its property to the City of Banning.

I recommend the following form of Order:

O R D E R

Frank L. Miller having filed complaint against The Light and Power Utility, Lizzie Ghriest, Owner, requesting that the Commission order The Light and Power Utility to extend its lines to render service to his residence, a hearing having been held, the matter submitted and ready for decision,

IT IS HEREBY ORDERED that The Light and Power Utility, Lizzie Ghriest, Owner, within 30 days from the date of this order, shall complete the necessary extension of its electric system north along the alley between Third and Fourth Streets on the present pole approximately 150 feet south of Nicolet Avenue to a point north of said avenue and extend its service to the residence of complainant.

PROVIDED, complainant shall have deposited with defendant the sum of \$30.00 to cover part of the cost of this extension within 20 days of the date hereof.

IT IS HEREBY FURTHER ORDERED that defendant return to complainant the amount deposited together with

interest at 6 per cent per annum at the expiration of 12 months from date same is deposited, or at such earlier time as the property of defendant is purchased by the City of Banning.

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
2nd day of October, 1919.

Edwin O. Edgerton
H. W. Leonard
Frank Nelson
H. W. Brundage
Iving Martin
Commissioners