

Decision No. 6998.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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Ethel Ellis, et al., )  
 )  
 Complainants, )  
 )  
 vs. )  
 )  
 George Schmidt and the Hay- )  
 ward Heath Water Association, )  
 )  
 Defendants. )

Case No. 1105.

C. W. White for Complainants,  
 Ethel Ellis and F. C. Leach.

H. W. Brunk and L. Jefferson  
 for Defendants.

BY THE COMMISSION.

O P I N I O N

The complaint in the above entitled proceeding alleges in effect that defendants are engaged in the business of supplying water for domestic and irrigation purposes, as public utilities, to the residents of Hayward Heath, Alameda County, and that the water service so furnished is inadequate. Complainants ask that defendants be required to enlarge facilities for the production and delivery of water and furnish an adequate quantity.

Defendants' answer is a general denial of all of the

allegations of the complaint, it being stated that the water system in question is not being operated as a public utility.

Complainants herein are owners of or have contracted to purchase land in a certain tract known as Hayward Home Farm Tract, Subdivision No. 1, and are supplied with water by George Schmidt, the successor in interest of the Modern Homestead Association. Mr. Schmidt, or his predecessor in interest, contracted with all those receiving water from this system, to operate said system until such time as a mutual corporation was organized. He further agreed to deliver the water at cost, which cost included cost of operation and maintenance.

After a careful consideration of all the evidence, it appears that neither of the defendants herein is operating a public utility water system, as defined by the Public Utilities Act, or as interpreted by recent decisions of the higher courts.

O R D E R

Ethel Ellis and others having made complaint against George Schmidt and the Hayward Home Water Association as outlined in the foregoing opinion, public hearings having been held and the Commission being fully informed in the premises,

IT IS HEREBY ORDERED that the complaint in the above entitled proceeding be, and it is hereby dismissed for lack of jurisdiction.

Dated at San Francisco, California, this 31<sup>st</sup>  
day of December, 1919.

Edwin O. Edgerton  
H. J. ...  
James M. ...  
H. T. ...  
Commissioners.