

Decision No. 7000

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

GEORGE H. DANT,
Complainant,

Vs.

AARON M. BECHTEL,
Defendant.

Case No. 1338.

MARTIN, Commissioner.

O P I N I O N

The plaintiff herein, George H. Dant, who conducts a small business in the unincorporated town of Empire, Stanislaus County, filed a complaint with the Railroad Commission against Aaron M. Bechtel, alleging that said Bechtel refused to furnish him with water for domestic use.

Defendant operates a small pumping plant and furnishes water for domestic use to seven or eight neighbors and himself in a portion of the town of Empire. The said plant consists of a windmill plunger pump with 3" x 16" cylinder, driven by a two horsepower electric motor. The water level in the well stands about 40 feet below the surface and the water is raised to a 5,000 gallon galvanized iron tank at an elevation of approximately 33 feet to bottom of tank.

A public hearing was held at Empire on November 7, 1919.

It was testified that the plaintiff was formerly a tenant of defendant, occupying a small building across the road from

his present place, wherein he conducted his business and received his water supply from defendant. A personal controversy arose between said plaintiff and defendant, which resulted in the plaintiff moving across the highway to his present location.

Defendant admitted that he refused to furnish the desired water at plaintiff's new location for the alleged reason that his present supply of water is limited, and further that he has neither the desire nor financial ability to enlarge and extend said supply. The pump is operated between four and six hours daily; two to four hours in the morning and two hours in the afternoon. The evidence is conflicting on the point as to whether the present supply is sufficient to include the needs of plaintiff. However, there is no doubt that defendant could easily increase the capacity of his plant by pumping longer hours. This fact is brought out in the report of the Commission's engineer and was admitted by the defendant at the hearing.

Several years ago defendant, in order to enhance the marketability of a tract of land which he had cut into lots, arranged to furnish the necessary water to be used on said lots. It is claimed that it was not defendant's intention to operate as a public utility, but for convenience only. However, it is a fact that at that time and ever since, he has exacted compensation for the water so furnished, at rates on file with the Commission. There is no question that defendant operates a public utility as defined by the Public Utilities Act, and is subject to the jurisdiction of the Railroad Commission.

Defendant stated that it will be necessary to run a 300 foot service pipe to connect with complainant's premises. At the present time, there is a one inch service pipe running past the premises of plaintiff which supplies the residence of a neighbor. To attach to this pipe and serve plaintiff, it would only be

necessary to make an extension of fifteen feet of pipe. The owner of said pipe line (a neighbor) has offered to allow plaintiff to make this connection. Plaintiff has agreed to make same at his own expense.

At the present time, and for a considerable time past, plaintiff has been obtaining water by carrying it in buckets from a neighbor's place, about one-quarter of a mile distant.

It is incumbent upon every public utility to meet all reasonable demands for service, and refusal to furnish service cannot be based on mere personal grounds outside the operations of such public utility. If the revenue is not sufficient to enable a public utility to render good service and to meet all reasonable demands, application should be made to the Railroad Commission for such relief as may be necessary.

From the evidence, I find that plaintiff is entitled to service at the usual rate, without discrimination.

O R D E R

A public hearing having been held in the above entitled case, evidence having been taken, and the case being submitted and now ready for decision,

IT IS HEREBY ORDERED that defendant serve water to the premises of plaintiff and accept payment at the regular rates established by defendant for such service, without discrimination.

Such service to plaintiff is to be furnished immediately upon plaintiff providing means for carrying water to his premises.

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 31st day of December, 1919.

Edwin O. Edgerston

W. A. Howland

H. A. Boudage

Tracy Martin

Commissioners.