

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

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Decision No. 741
ORIGINAL

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In the Matter of the Application of :
CONSERVATIVE REALTY COMPANY, a cor- :
poration, for an order fixing its :
rates for water service in the :
County of Los Angeles. :
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Application No. 494.

Jones and Bennett for applicant.
F. B. Amend for protestants.

ESHLEMAN, Commissioner.

O P I N I O N
ON APPLICATION FOR REHEARING.

The applicant demands a rehearing in the above entitled matter on several grounds set out in its petition. Its main contention is that this Commission does not find specifically on certain questions of fact upon which a decision should be based. It is my view that such a finding is not necessary, and I find no merit in such contention. One point, however, is raised concerning which I believe additional evidence should be introduced. The Commission held that inasmuch as this Company has accorded a certain rate voluntarily to its consumers in contracts that this rate could be held, as against this Company, to be reasonable as an admission, and that because of the fact that these consumers had been voluntarily accorded these contracts and no strong consideration of public policy appearing, the Company should be required to carry them out. It is now argued that these contracts are ambiguous and that the Commission has misconstrued them, and that on further hearing the applicant can present facts which will lead the Commission to conclude that these contracts should not have the weight which has been given to them. I do not believe that any party before this Commission should be foreclosed without the fullest possible hearing on any matter which will affect its rights, and inasmuch as the

Company has agreed to impound the difference between the rate fixed by the Commission and the rate theretofore charged by the Company pending a final decision, I see no reason why a rehearing should not be granted upon this point, evidence being limited to the question upon which a rehearing is granted.

I submit the following order:

O R D E R .

Application having been made for a rehearing on the part of the applicant herein, and a hearing having been held on such application, and being fully apprised in the premises

IT IS HEREBY ORDERED that a rehearing be and the same is hereby granted on the matters and for the reasons set out in the opinion hereto.

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 25th day of June, 1913.

John McArthur
H. L. ...
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Commissioners.