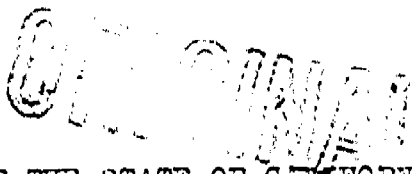


Decision No. 8371



BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Board of Trustees of City of Calipatria, )

Complainant

vs.

Holton Power Company,

Defendant. )

Case No. 1398.

H. E. Myers, for Complainant.

E. B. Criddle, for Defendant.

By the Commission:

O P I N I O N

This is a proceeding instituted by City of Calipatria seeking to require Holton Power Company to make electric extensions for service in accordance with the terms of a certain agreement between Holton Power Company and Imperial Valleys Farm Lands Association, and for other changes in extension rules of defendant.

A public hearing in this matter was held in Calipatria before Examiner Westover.

It appears that Imperial Valleys Farm Lands Association entered into a contract with Holton Power Company, dated April 1, 1914, in which the latter agreed to extend its distribution system and give electric service to any applicants within or without the townsite of Calipatria, when and as requested by Imperial Valleys Farm Lands Association, provided, however, that when necessary to construct an extension of a

distance in excess of 250 feet for each applicant, the cost of such excess construction be paid for by the applicants requesting the service.

Holton Power Company claims that it has been making all electric extensions for service in Calipatria and elsewhere in accordance with the rules and regulations authorized it by the Railroad Commission.

The rules authorized by this Commission under which Holton Power Company makes extensions are different in many respects from terms of the contract between Holton Power Company and Imperial Valley Farm Lands Association. The differences are such that it is not possible to state which would be the more advantageous to the applicant for service for any particular extension unless complete and full information regarding that extension is known.

In its complaint the City of Calipatria further requests that this Commission require Holton Power Company to make service extensions upon more favorable terms than now prevail; that Holton Power Company be required to supply certain consumers without payment of extension advance deposits; that rules governing installation charges within the City of Calipatria be separately approved by this Commission in individual cases before the applicant is required to pay the same; and that a definite limit of time be fixed within which Holton Power Company shall make installations after applications are made.

From evidence submitted in this matter it is shown that Holton Power Company has been following the rules laid down by this Commission and not the requirements of the contract with Imperial Valley Farm Lands Association. The con-

tract may have been proper under the conditions existing at the time of its making, but we can see no occasion for requiring Holton Power Company to make extensions in Calipatria other than in accordance with its rules and regulations authorized by this Commission. And, further, this Commission cannot, without discrimination against other consumers or applicants, require Holton Power Company to make extensions for electric service in Calipatria under different terms than prescribed by its approved rules and regulations.

This Commission, therefore, must deny the request of City of Calipatria in so far as it relates to the establishment of extension rules which differ from the rules of Holton Power Company heretofore approved by this Commission.

As to the further request of complainant that Holton Power Company submit to the Commission for approval all applications for extensions in which the applicant is required to make an advance payment to the Power Company, this Commission does at present, and has since June 1919, required Holton Power Company to submit data setting forth complete information regarding all applications for extensions requiring any advance to the power company from an applicant, and the approval of this Commission is required before Holton Power Company may proceed with the construction or require any advance from the applicant for same. This portion of the complaint is therefore without foundation in fact.

The evidence does not show that unreasonable delay has occurred in the construction of extensions applied for.

O R D E R

City of Calipatria having filed complaint as to electric extension practices of Holton Power Company, a hearing having been held, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby finds as a fact that the rules and regulations of Holton Power Company for electric extensions heretofore approved by the Commission are just and reasonable rules and regulations for extensions within City of Calipatria and in all other territory supplied by Holton Power Company.

Being its order on the foregoing findings of fact and upon the other findings of fact contained in the Opinion which precedes this Order,

IT IS HEREBY ORDERED that this proceeding be and the same is hereby dismissed.

Dated at San Francisco, California this 26<sup>th</sup> day of November, 1920.

Edwin O. Edgerton  
H. H. H. H. H.  
Frank R. H. H.  
H. H. H. H.  
Waring Martin  
Commissioners.