

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

STEPHEN A. D. CLARK, E. C. AUCHEMOODY,
JOHN B. JORDAN, JOSEPH L. HALE,
R. W. WRIGHT and LAVINDA YENDES,

Complainants,

-vs-

Case No. 287.

HERMOSA BEACH WATER COMPANY, a
corporation, and QUINTIN J. ROWLEY,

Defendants.

EDGERTON, Commissioner.

OPINION.

On February 4, 1913, this Commission made an order in this proceeding in terms as follows:

"The complainants herein having filed their complaint against defendants, Hermosa Beach Water Company and Quintin J. Rowley, and the defendants having answered said complaint and a hearing having been held, and the Commission being fully informed in the premises, and basing its findings and conclusions upon the findings and matter set out in the opinion herein,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY FINDS AS A FACT:

That Hermosa Beach Water Company is a public utility, obligated to furnish complainants herein with an adequate supply of water at proper pressure in the gravity line from which complainants are now obtaining water, and

That said Hermosa Beach Water Company did remove water connections connecting the following lots belonging to complainant, Clark, to-wit: Lots 12, 13, 14, 15, 16, 17, 20, 21, 22, 24 and 25 in Block Eight; Lots 21, 22, 23 and 24 in Block Five; Lots 10, 11 and 12 in Block Six, and all of Block Nine, Carnation Villa Tract, in the County of Los Angeles, and

That said water company has agreed to restore said connections free of cost,

IT IS HEREBY ORDERED that the Hermosa Beach Water Company furnish in the mains from which complainants now obtain their water, an adequate supply of water at a pressure at all times of not less than 20 pounds

per square inch, said company to begin giving said service within a period of 60 days from the date of this order, and

IT IS FURTHER ORDERED that said Hermosa Beach Water Company restore the service connections to the lots herein above in this order described, and that said connections be restored within a period of 30 days from the date of this order."

It appearing that Hermosa Beach Water Company was failing to comply with the above order, the Commission, on July 25, 1913, made an order directing said Hermosa Beach Water Company to appear before Commissioner Edgerton, on Wednesday, July 30, 1913, at 10 o'clock A.M., at the Bullard Block, Los Angeles, California, and show cause, if any said company had, why said company was not complying with the order theretofore made on February 4, 1913. At the hearing upon said order to show cause, said Hermosa Beach Water Company appeared and admitted that it had not fully complied with said order. It appeared that said company had made the water connections required of it by said order, but said company admitted that it had not complied with that portion of said order requiring said company to furnish

"in the mains from which complainants now obtain their water, an adequate supply of water at a pressure at all times of not less than 20 pounds per square inch, said company to begin giving said service within a period of 60 days from the date of this order, "

Hermosa Beach Water Company attempted to justify its violation of the Commission's order in the particular above mentioned, upon the ground that in order to comply with said order, said company would have to make certain expenditures to raise a certain reservoir, and to install a pumping plant. The company admitted, however, that it was the custom of water companies throughout this State to supply water to domestic consumers at a pressure in their mains of not less than 20 pounds per square inch.

I am of the opinion that Hermosa Beach Water Company has

presented no good cause for its failure to comply with the Commission's order, and I recommend that said company be declared in contempt of this Commission for its failure to comply with the Commission's said order, and that the Commission impose upon said company a fine of \$500.00. This money, however, would be far more beneficially employed if invested in facilities to enable this company to comply with the Commission's order than it would be if collected as a fine. I recommend, therefore, that it be provided in the order that if said company, within thirty days from the date of this order fully complies with the Commission's order heretofore made on February 4, 1913, said fine be remitted, but that if at the end of thirty days from the date of this order said company has not fully complied with the provisions of the order heretofore made on February 4, 1913, that this Commission take such steps, through criminal proceedings and otherwise, as it may deem fit to punish said company and its officers for its failure to comply with the Commission's order.

O R D E R .

This Commission having, on July 23, 1913, issued an order directing Hermosa Beach Water Company to appear and show cause why said company had not fully complied with the terms of this Commission's order, Decision No. 441, made in this proceeding on February 4, 1913, and why said company is not subject to the penalties provided in the Public Utilities Act;

And a hearing having been held upon said order to show cause, and said company having admitted that it had not complied with this Commission's order in the particulars above mentioned, and said company having presented no good reason why it had not fully complied with the Commission's said order,

THE COMMISSION HEREBY FINDS AS A FACT that Hermosa Beach Water Company has not fully complied with the Commission's order heretofore

made in this proceeding on February 4, 1913, in that said company has failed to comply with that portion of said order providing:

"IT IS HEREBY ORDERED that Hermosa Beach Water Company furnish in the mains from which complainants now obtain their water, an adequate supply of water at a pressure at all times of not less than 20 pounds per square inch, said company to begin giving said service within a period of 60 days from the date of this order.

And that said order was made on February 4, 1913, and that no application for a rehearing of said order was filed with the Commission within the time provided by the Public Utility Act for the filing of applications for rehearing of the orders of the Commission, and that the said order became finally effective."

IT IS THEREFORE ORDERED that said Hermosa Beach Water Company be and it hereby is declared in contempt of this Commission, and

IT IS HEREBY ORDERED that said company be and it hereby is fined the sum of \$500.00, provided, however, that if within thirty days from the date of this order said company has fully complied with the terms of the Commission's order, Decision No. 441, heretofore made on February 4, 1913, said fine shall be remitted to said company, provided, further, however, that if at the end of said period of thirty days said company has not fully complied with the terms of said order, this Commission will take such steps, through criminal proceedings and otherwise, as it deems necessary to punish said Hermosa Beach Water Company and its officers for its failure to fully comply with said order.

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 15th day of August, 1913.

H. D. Loveland
Max Thelen
Edwin O. Edgerton
Commissioners.