

Decision No. 8874

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

A. Q. ST. GEORGE,  
Complainant,  
-vs-  
GEORGE H. WOODRUFF and  
BERT BALLINGER,  
Defendants.

CASE NO. 1468.

A. Q. St. George, complainant,  
in propria persona.  
George H. Woodruff and Bert Ballinger,  
defendants, in propria persona.

BY THE COMMISSION.

O P I N I O N

The above entitled matter is a complaint against the service rendered and the rates charged for service by George H. Woodruff and Bert Ballinger, alleged operators of a pumping plant supplying water to plaintiff and other consumers for irrigation and domestic use near Amarello Station in Los Angeles County.

A public hearing was held in this matter before Examiner Gordon at Los Angeles, of which all interested parties were duly notified and given an opportunity to appear and be heard.

The evidence shows that defendant, Bert Ballinger, acquired the sole ownership of the pumping plant referred to in June, 1920, and therefore this complaint in so far as it relates to George H. Woodruff may be dismissed.

The water which supplies this system is delivered to consumers at the pump. The pumping plant serves only six consumers, of which two take water for irrigation purposes only, the water for their use being transported through an open ditch. The other four consumers mutually own and operate the pipe line through which their supply is delivered to its various points of use. The domestic supply for these four consumers is stored in a tank located on complainant's land, which tank is filled by means of this mutually owned pipe line.

The complainant in this matter is one of the mutual owners of the pipe line, and in this proceeding cites instances of poor service and alleges that the pumping plant and system are in such a condition of disrepair that the full capacity of the pump is not delivered as paid for, and further alleges that the charge of \$2.00 per hour is excessive for the amount of water the pumping plant delivers.

The evidence shows that the pump and engine of this utility have recently been overhauled and they now appear to be in fair operating condition. The discharge pipe, however, leaks considerably and is in need of immediate repair. There appears to be no unwillingness on the part of defendant to make all necessary repairs to put the pump into condition to deliver its full capacity. The testimony, however, developed the fact that one of the principal causes of unsatisfactory service, and the reason given by defendant for his objection to making expenditures for repair work on the pump was the existence of a stop valve in the mutually owned pipe line, installed therein by complainant for his own benefit in drawing water from the domestic water tank.

There appears to be no reason why this valve should not be located at a point near the pump to the advantage of all con-

sumers and in such a way that the defendant would not injure his pumping plant by attempting to force the water through the line when the valve was partially or entirely closed. The Commission has no jurisdiction over this pipe line, as it is not a portion of the property operated by the utility. It is recommended, however, in the interest of fairness and more satisfactory service conditions, that this valve be removed, or, at least, relocated at a point where defendant can easily determine whether or not it is properly opened during operations of the pump.

A careful analysis of the operating conditions of this system by Mr. F. E. Van Hoesen, one of the Commission's hydraulic engineers, shows that the present rate is not excessive. It has also been found that by making certain repairs, the pumping plant can be put in condition whereby it will deliver water to its full capacity, and the order herein will contemplate that such repairs be made. In the future, however, it is apparent that defendant should be given some assurance that the stop valve referred to will be under his control during the operation of the pump, or, at least, that it will not be interfered with in a way likely to cause injury to the pumping plant. This is a matter which the Commission believes can be settled amicably between the parties, and no formal conditions or regulations on service will be imposed at this time for the accomplishment of that purpose.

#### O R D E R

Complaint having been made to the Railroad Commission as entitled above, a public hearing having been held and the matter submitted,

IT IS HEREBY FOUND AS A FACT:

1. That Bert Ballinger is, for the purpose of this

proceeding, the sole owner and operator of the public utility water system concerning which this complaint is filed.

2. That the pumping plant of defendant is not in a proper condition of repair to deliver water to the consumers at full capacity.

3. That the service herein complained of can be materially improved by making proper repairs to the pumping plant of defendant and by the removal, on the part of plaintiff and the other consumers, of existing obstructions in the mutually owned pipe line controlled by said consumers and over which this Commission has no jurisdiction.

And basing its order upon the foregoing findings of fact and the further statements of fact which precede this order,

IT IS HEREBY ORDERED that the above entitled complaint be and the same is dismissed as to the defendant, George H. Woodruff;

That the defendant, Bert Ballinger, as the present sole owner and operator of the pumping plant in question be and he is hereby directed to put said pumping plant in such condition of repair that it will deliver to his consumers its full capacity; that said repairs shall be completed within twenty (20) days from the date of this order, and that upon completion, said defendant shall file with the Railroad Commission a certified statement showing what repairs have been made and indicating the capacity of the pump.

That defendant, Bert Ballinger, be and he is hereby direct-

ed to file with the Railroad Commission within thirty (30) days from the date of this order a schedule of rules and regulations governing service to consumers, said rules and regulations to become effective upon their approval by this Commission.

That in all other respects the above entitled complaint be and the same is heroby dismissed.

Dated at San Francisco, California, this 16<sup>th</sup> day of April, 1921.

W. H. Woodland

H. K. Roundell

James A. ...

Charles H. ...

Commissioners.