

Decision No. 9677

ORIGINAL

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
James A. Murray, William G. Henshaw )  
and Ed Fletcher, co-partners doing )  
business under the firm name and style )  
of the CUYAMACA WATER COMPANY, for an )  
order authorizing and establishing a )  
surcharge to pay for the cost of op- )  
eration of pumping from underground )  
reservoirs. )

Application No. 6767.

ROWELL, Commissioner:

OPINION ON REHEARING

The above-entitled proceeding was originally heard on June 2, 1921. It appeared to the Commission that the applicant, at that time, failed to make sufficient showing to justify the granting of a surcharge, and the decision of the Commission denying such surcharge was rendered on September 1, 1921. A petition for rehearing was filed by applicant on September 16, 1921. In this petition it was alleged that conditions had materially changed since the hearing on June 2d, and that the cost of pumping water during the present season would be very much greater than was shown at the hearing on June 2d.

A rehearing was granted by the Commission on September 27, 1921, and on October 7th and 8th further hearings were had by the Commission in San Diego.

In view of the order which the Commission intends to make in this proceeding, it will not be necessary at this time

to go into an extended review of the evidence presented on October 7th and 8th. It is sufficient to say that the Commission is of the opinion that applicant introduced sufficient evidence and established sufficient facts to justify the granting of a surcharge, and such surcharge would be granted unconditionally if it were not for certain claims by various consumers, which require consideration.

On October 15, 1921, the Commission received a petition from 51 persons, calling themselves the "flume line consumers." This petition alleges that all the consumers are irrigators, taking water from the main flume of the applicant for the irrigation of citrus trees. The petition states in substance, that the only notice the signers had of the hearing on October 7th was by postal card, received one or two days before said date; that they had no opportunity to see a copy of the petition for rehearing and no time to prepare for said hearing; that Attorneys George and Preston, who represented many of the consumers, were absent from the city, and were not able to be present at the hearing, except that Attorney George appeared near the close of the hearing on October 8th. It is further alleged that the rates now charged are almost prohibitive and that, if given the opportunity, they can prove that water which should be reserved for their use has been sold to the City of San Diego, and that had it not been for this, pumping water from the river would not have been necessary. It is also alleged that the applicant has consistently greatly magnified its expenditures in order to mislead the Commission, and ask that the Commission require the applicant to allow its books and accounts to be examined by an expert accountant, to be employed by them, and, finally, that the Commission reopen the case for further hearing at such time as to enable them to fully present their side of the case.

The Commission is of the opinion that a petition of this character, signed by a large number of consumers, should be given consideration. While the records show that proper and adequate notice of the hearing on October 7th was given to all parties who appeared at the original hearing on June 2, 1921, nevertheless, if, as alleged in this petition, the Attorneys for these petitioners were absent from the city, and by reason thereof the signers of this petition were not represented at this hearing and did not have an opportunity to be present, or have presented for them, fully and completely, the defense which they now allege they can present if given an opportunity, the Commission will reopen the case and grant these consumers such opportunity.

As above indicated, however, the applicant did, at the hearings on October 7th and 8th, present sufficient evidence to justify the granting of the surcharge. It is apparent that, if the surcharge is to be granted at all to cover the cost of pumping water for the present season, it should be granted at once. The Commission will, therefore, grant the surcharge, to take effect immediately, but will require applicant to impound all moneys received from such surcharge, and hold said moneys until the further order of this Commission, following a reopening of the case.

#### ORDER

James A. Murray, William G. Henshaw and Ed Fletcher, copartners doing business under the firm name and style of the CUYAMACA WATER COMPANY, having applied to the Railroad Commission for an order authorizing and establishing a surcharge to pay the cost of operation of pumping water from underground reservoirs, a public hearing having been held and

the matter having been submitted,--

IT IS HEREBY FOUND AS A FACT that the rates heretofore authorized to be charged for water by said applicant are unjust and unreasonable insofar as they differ from the rates herein established, and that the rates herein established are just and reasonable rates; and basing its order upon the foregoing statements and findings of fact and upon the statements contained in the opinion preceding this order,--

IT IS HEREBY ORDERED that applicant be, and it is hereby authorized to file within twenty (20) days from the date of this order the following rates for water, to become effective for all service rendered subsequent to December 1, 1921:

Monthly Minimum Charges:

5/8-inch meter	-----	\$1.25
3/4-inch meter	-----	1.50
1 -inch meter	-----	2.00
1 1/2 -inch meter	-----	3.00
2 -inch meter	-----	4.00
3 -inch meter	-----	7.00
4 -inch meter and larger	-----	12.00
Measuring boxes on the flume	-----	2.50

For irrigation service the monthly minimum charges shall apply each month whether or not water is used.

Monthly Meter Rates for Domestic Service:

From 0 to 1,000 cubic feet, per 100 cu.ft.	---	\$ .26
From 1,000 to 100,000 cubic feet, per 100 cu. ft.	---	.16
Over 100,000 cubic feet, per 100 cubic feet	-----	.11

Monthly Meter Rates for Irrigation Service:

From 0 to 1,000 cubic feet, per 100 cu.ft.	---	\$ .26
From 1,000 to 2,000 cubic feet, per 100 cu.ft.	---	.16
Over 2,000 cubic feet, as follows, per 100 cubic feet:		
For all consumers on flume except City of El Cajon	----	.06
For Lemon Grove Mutual Water Company, Helix Mutual Water Company, or other tracts supplied with water under pressure for irrigation purposes through privately owned pipe lines operated by consumers	----	.05
For all consumers supplied with water for irrigation purposes under pressure through pipe lines owned or operated by the company	-----	.07

Monthly Rates for Public Service:

For all water used for road or street sprinkling or sewer flushing, per 100 cubic feet, - \$ .16  
For hydrants, fire use only ----- 2.00  
To Indians on El Capitan Indian Reservation,  
no charge.

Service to Consumers on Grossmont System:

Consumer supplied with water pumped by the Grossmont pumping plant shall be charged in accordance with the foregoing rates plus a surcharge of 20 per cent.

The above rates are to continue in effect until such time as the Commission shall render its decision after further hearing as hereinafter ordered, or until the Commission shall order otherwise;

IT IS FURTHER ORDERED that all moneys collected hereunder in excess of the rates heretofore authorized shall be impounded and held intact by applicant, and the excess, if any, of the rates herein fixed above the rates to be hereafter fixed after further order herein, shall be refunded to the consumers; and

IT IS FURTHER ORDERED that applicant shall keep an exact account of all moneys collected hereunder from each consumer in excess of the rates hereinbefore established;

IT IS HEREBY FURTHER ORDERED that the order of submission herein be set aside, and that this proceeding be reopened and set down for further hearing on Tuesday the 29th day of November, 1921, at 2:30 P.M., before Commissioner Rowell, in the Court Room of the Federal Building, San Diego, California, and that at least 10 days' notice of such hearing be given to all parties previously

appearing herein, and also to all signers of the petition hereinabove referred to, at the common address given by them in their petition.

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 29<sup>th</sup> day of October, 1921.

H. B. Bourdige

H. D. Loveland

Charles H. Brown

J. J. Quinn  
Commissioners.