

Decision No. 9764.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application)
of THOR BORRESSEN, for a certificate)
of public convenience to sell and) Application No. 6947.
distribute water in Tract No. 3901,)
in Los Angeles County.)

Thor Borresen in propria persona.

H. T. Robinson, for Ocean Park Heights
Land and Water Company.

BY THE COMMISSION.

O P I N I O N

In this proceeding applicant asks that a certificate of public convenience and necessity be granted permitting him to supply water for domestic purposes in Tract No. 3901, a new subdivision located between Culver City and Venice, in Los Angeles County. A public hearing was held in Los Angeles before Examiner Williams, of which all interested parties were notified and given an opportunity to be present and be heard.

Applicant testified that he had been operating a water system in the tract referred to since May, 1921, furnishing water only to purchasers of property therein; that at present there are six consumers being supplied at a flat rate of \$1.50 per month; that he has a verbal agreement with the owners of the tract, whereby he is to operate the system and in consideration is to receive, in addition to the revenues from the sale of wa-

ter, title to the water system and the property upon which the pumping plant is situated, on October 10, 1927.

The applicant further testified that he had had no previous experience in the operation of water systems and that he depended upon the revenues from the sale of water to defray all expenses in connection with its operation.

There was no evidence presented to show the owners of the tract and water system had entered into an agreement with the applicant other than the statement that he had a verbal agreement with L. L. Robinson, one of the owners of the tract.

The Ocean Park Heights Land and Water Company appeared to oppose the granting of this application on the ground that this district should be served by it, as the tract immediately adjoins that company's service area on two sides and there has been developed an ample water supply to serve the entire territory. The company is however unwilling to extend its mains to serve Tract No. 3901 in accordance with its rules and regulations filed with this Commission.

It would appear that this application should be denied on the ground that applicant herein holds no title or interest in the water system, nor did he present any evidence to show that the actual owners of the plant would be in any way responsible for its continued operation.

Should the owners of the water system make application for a certificate of public convenience and necessity such application will receive due consideration.

ORDER

Thos Borresen having made application as entitled above, a public hearing having been held thereon and the matter having been submitted,

It Is Hereby Found as a Fact that the applicant herein has not shown that he is the owner of the water system serving the territory for which the certificate is desired, nor has any showing been made as to responsibility for the continued operation of the plant.

And basing the order upon the foregoing finding of fact and upon the statements of fact contained in the opinion preceding this order.

IT IS HEREBY ORDERED that the application be, and it is hereby, denied without prejudice.

Dated at San Francisco, California, this 17th day of November, 1921.

H. P. Boudie
H. A. Loveland
Dwight Matson
J. F. Pennington
Commissioners.