

Decision No. 9926.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

MRS. F. K. MORRI et al.,
Complainants and Petitioners,
vs.
W.S.B. LAWRIE and THE UNION TRUST
COMPANY OF SAN DIEGO,
Defendants.

Case No. 1635

Marks & Launer, by Albert Launer, and
Samuel L. Collins, for complainants.

W.S.B. Lawrie, in propria persona.

BENEDICT, Commissioner.

O P I N I O N

The above entitled proceeding involves the service of water to a colony of people in what is known as the Mary Goodman Tract (or Swan's Subdivision), Hart Subdivision, Anaheim Home Tract, and other property, all adjacent to the north limits of the City of Anaheim, in Orange County.

The complainants allege in effect that defendants have served water to the above named tracts for the past seven or eight years, charging regular monthly rates which they changed from time to time at their own convenience and without the authority of the Railroad Commission; that such rates are exorbitant and were irregularly established; that the service has for a considerable time been subject to frequent interruptions; that during the past few months the service has grown gradually

worse until it was entirely discontinued in June, 1921, compelling the complainants to carry or haul water in barrels for domestic use from whatever source it could be obtained; that defendant has refused any water service whatsoever since that date, thereby causing a very serious unsanitary condition.

Defendants' answer denies the principal allegations of complainants and alleges in effect that the discontinuance of service was due to the leaky condition of certain pipe lines not owned by the defendants; that the real defendants are Annie M. Lawrie and Sarah Mildred Lawrie, of San Diego, California; that complainants continued to use water for irrigation purposes contrary to orders of defendants; and that the water system has not been operated as a public utility.

A public hearing was held in the above entitled matter at Anaheim, of which all interested parties were notified and given an opportunity to appear and be heard.

It appears that this water system is operated by, and that bills for service rendered are made out in the name of, The Union Trust Company of San Diego, by W.S.B. Lawrie, Agent, and that it is owned by Annie M. Lawrie and Sarah Mildred Lawrie.

The testimony shows conclusively that the defendants since the beginning have conducted the system as a public utility. The plant was first installed some eight or ten years ago to furnish water to lands owned by defendants, but as adjacent tracts were subdivided and required water, agreements were made and water service rendered until at the present time defendants have approximately forty-two consumers, of whom about one half are located on the Mary L. Goodman and Anaheim Home Tracts. Consumers are supplied through a pipe line which defendants claim

was installed and maintained by a Mr. Swan, the owner of one of the subdivisions, until such time as he had disposed of all his real estate interests, and abandoned the system.

The testimony also shows that the pumping equipment is old and obsolete, and continually in need of repair, causing many interruptions to service.

Defendants expressed their willingness to continue service under the jurisdiction of the Railroad Commission if they were found to be a public utility and were ordered to continue such service.

The evidence shows that there is a great deal of dissatisfaction among the consumers over the arbitrary and irregular rates charged and also in regard to the amount of water received on the flat rate schedule, and the request is made that meters be installed so that they will pay only for such water as they actually receive.

I am of the opinion that adequate repairs to the pumping plant and pipe system, the installation of meters, and the establishment of a schedule of meter rates will remove practically all causes for complaint and result in greatly improved service.

There are very few records of water use available to aid in the establishment of meter rates, but the schedule set out in the accompanying order is designed to produce a fair and remunerative income comparable to the revenues received from the application of the flat rate schedule now in effect.

I submit the following form of order:

O R D E R

Complaint having been made in the above entitled proceeding against the service, rates and rules of the water system

operated by The Union Trust Company of San Diego, W.S.B.Lawrie, Agent, which system is owned by Annie M. Lawrie and Sarah Mildred Lawrie and which furnishes water to unincorporated tracts in the vicinity of Anaheim, a public hearing having been held and the matter having been submitted,

It is Hereby Found as a Fact that this is a public utility water system; that the service rendered by it has been insufficient and inadequate; that the rates charged and collected have been without regard to definite schedules; that adequate service cannot be rendered until necessary repairs to the pumping plant and pipe system have been made; and that meters should be installed and a meter rate established.

And basing the order upon the foregoing findings of fact and upon the statements of fact contained in the opinion preceding this order,

IT IS HEREBY ORDERED that The Union Trust Company of San Diego and W.S.B.Lawrie, its agent, operators of this water system, and Annie M. Lawrie and Sarah Mildred Lawrie, owners thereof, be and the same are hereby ordered to proceed at once to make such repairs to the pumping plant and pipe system as are necessary to give adequate service, and to continue such service without interruption to all consumers on this water system.

IT IS HEREBY FURTHER ORDERED that the owners and operators of the system be and they are hereby authorized and directed to file with this Commission within twenty (20) days from the date of this order, and thereafter charge the following rates, effective for all water supplied subsequent to December 31, 1921:

MONTHLY FLAT RATES:

For each dwelling or lodging-house of five rooms or less, including bath and toilet	\$1.50
For each additional room15
For each automobile.25
For each horse or cow.15

For each store or shop	\$ 1.00
For soda fountain or soft drink establishment.	2.00
For barber shop with one chair	1.25
For each additional chair.25
For each public dining room.	2.00
For each public bath tub50
For each public lavatory25
For each public toilet.25

The use of water for irrigation will not be permitted.

MONTHLY METER RATES

From 0 to 500 cubic feet or less.	\$ 1.50
From 500 to 1000 cubic feet, per 100 cubic feet.25
All over 1000 cubic feet, per 100 cubic feet15

Meters may be installed at the option of either the utility or the consumer. When installed at the option of the utility such installation shall be without cost to the consumer. When the installation is made at the consumer's request the cost of the meter shall be advanced by the consumer and the deposit shall be returned by the utility at the rate of twenty-five per cent of the monthly bills for water used until the entire amount advanced shall have been repaid.

IT IS HEREBY FURTHER ORDERED that rules and regulations governing the utility's relations with its consumers be filed with this Commission, for approval, within thirty (30) days from the date of this 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 23^d day of December, 1921.

[Signature]
[Signature]
[Signature]
[Signature]
 Commissioners.