

Decision No. 25982

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of F.T. COOK to establish rates for charges for fire hydrants and flush tanks, and for meter services not now established, for the purpose of requiring a cash deposit or a signed guaranty to secure the payment of services rendered and for other purposes.

ORIGINAL

Application No. 18052.

In the Matter of the Investigation on the Commission's own motion into the rates, rules, regulations, contracts, practices, operations and service, or any of them, of F.T. Cook, operating as a public utility water system under the name and style of WESTMORLAND WATER COMPANY.

Case No. 3366.

F.T. Cook, for Westmorland Water Company.

BY THE COMMISSION:

O P I N I O N

The Railroad Commission in its Decision No. 25076, issued the fifteenth day of August, 1932, among other things stated that the record in the proceeding indicated that for the year 1931 the results of operation of the Westmorland Water Company, operating in the Town of Westmorland in the County of Imperial, showed that it was receiving in excess of a fair net return upon the capital invested and indicated that F.T. Cook, owner of said company, should file a reduced schedule of rates. Thereafter, upon con-

sideration of a petition filed by said F.T. Cook, a rehearing on the question of the rate reduction was granted by the Commission which at the same time upon its own motion issued its order instituting an investigation into the rates, rules, regulations, contracts, practices, operations and service, or any of them, of this water works.

A public hearing in these two matters was held at Westmorland before Examiner Geary, at which time it was stipulated by all interested parties that the rehearing of Application No. 18052 and the investigation upon the Commission's own motion, being Case No. 3366, should be combined for both hearing and decision.

The evidence submitted indicates that for the year 1931 Westmorland Water Company enjoyed a net return of 9.54% upon its investment. However, the record also discloses the fact that by reason of the general decline in commercial and agricultural business in the community, together with the serious decrease in local employment, the revenues for 1932 dropped to such an extent that the operations for this period resulted in a net return not exceeding four per cent. Under such circumstances, it is obvious that the Commission is not justified at this time in ordering a reduction in the present flat rates for general water service.

Considerable controversy developed over statements advanced by certain consumers to the effect that F.T. Cook had indulged in the practice of charging water users for the cost of installing service connections. Although these claims were not supported by the evidence, nevertheless said Cook should in the future exercise more circumspection in maintaining a complete segregation of his public utility operations from his private plumbing business in order to eliminate any future difficulties and misunderstanding

from this source.

The Westmorland Fire District has entered complaint to the effect that the said F.T. Cook has refused to install fire hydrants upon its demand necessary for the proper protection of the public and its safety and welfare. In the above application the original decision established a rate for fire hydrants with the understanding that such hydrants were to be installed by the utility upon demand of the Fire District and payment for the use thereof was to be made at the rates therein established. There appearing no good and sufficient reason why the owner of this utility should refuse to perform his public duty and obligation to install these hydrants, he will be given not to exceed ninety (90) days from the date of this Order to install the necessary fire hydrants at locations satisfactory to the Fire District, provided such request is made by said District within sixty (60) days from the date of the Order herein. Upon demand of the Fire District in the future, the utility shall install additional and necessary fire hydrants without unnecessary delay and within a reasonable time after proper request therefor has been made.

Representatives of the Westmorland Fire District and the utility having asked the Commission to determine and establish a rate for two-outlet fire hydrants at this time, such a rate will be fixed in the following Order.

O R D E R

Application for rehearing in Application No. 18052 having been filed and granted, the Commission having instituted an

investigation on its own motion into the rates, rules, regulations, contracts, practices, operations and service, or any of them, of F.T. Cook, operating under the fictitious firm name and style of Westmorland Water Company (Case No. 3366), a public hearing having been held thereon, the matters having been submitted and the Commission being now fully advised in the premises,

IT IS HEREBY ORDERED that Case No. 3366 be and it is hereby dismissed.

IT IS HEREBY FURTHER ORDERED that F.T. Cook be and he is hereby authorized and directed to file with this Commission, within thirty (30) days from the date of this Order, the following fire hydrant rate, said rate to be effective on and after the 1st day of June, 1933.

FIRE HYDRANT RATE

Each 4-inch hydrant with two
2½-inch standard outlets,
per month-----\$2.00

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IT IS HEREBY FURTHER ORDERED that the schedules of rates established in Decision No. 25076, dated the fifteenth day of August, 1932, be and they are hereby confirmed.

IT IS HEREBY FURTHER ORDERED that, within ninety (90) days from the date of this Order, F.T. Cook shall install or cause to be installed at his own expense all necessary fire hydrants as shall be requested by the Westmorland Fire District, provided said Fire District shall make request to said F.T. Cook for such installation not later than sixty (60) days from the date of this Order, and said F.T. Cook shall serve or cause to be served upon the presiding

officer of said Fire District, within ten (10) days from the date of this Order, a true copy of this Opinion and Order.

For all other purposes the effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 29th day of May, 1933.

O. L. Leary

W. A. Cunn

M. B. Harris

W. A. Cunn
Commissioners.