

Decision No. 27567

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

THEORVALD BROWN, et al.,
Complainants,

vs.

ESTATE OF BISHOP, BEN COHEN
and G.C. McDANIEL,

Defendants.

Case No. 2909.

ORIGINAL

C.D. ALVEY, et al.,

Complainants,

vs.

BEN LOMOND REDWOOD PARK COMPANY -
WATER SYSTEM - E. BISHOP ESTATE,
OWNER

OFFICERS OF THE BEN LOMOND
REDWOOD PARK COMPANY

BEN S. COHEN, ISALAH HARTMAN,
G.G. McDANIEL, J.E. PERRY,
A. VAN VECKTEN,

Defendants.

Case No. 2913.

In the matter of the investigation on
the Commission's own motion into the
rates, rules, regulations, charges,
classifications, contracts, practices,
operations, and service, or any of
them, of BEN LOMOND REDWOOD PARK
CORPORATION, a corporation; ESTATE
OF EDGAR BISHOP, deceased; BEN S.
COHEN; ISALAH HARTMAN; G.G. McDANIEL;
J.E. PERRY; A. VAN VECKTEN; D.A.
McEDWARD; FIRST DOE; SECOND DOE; and
JOHN DOE COMPANY, operating a public
utility water system in and near Ben
Lomond, Santa Cruz County.

Case No. 3352.

Thorvald Brown, for Complainants.
E.E. Trefethen, for Bishop Estate.
E.R. Davies, for Bishop Estate.
O.K. Grau, for Defendants, including
Estate of E. Bishop.
D.A. McEdwards and G.G. McDaniel, for
Defendant Ben Lomond-Redwood Park
Corporation.
H.L. Phinney, in propria persona.

BY THE COMMISSION:

O P I N I O N

These three cases involve the adequacy of the water supply and the quality of service rendered by defendants in the operation of a public utility water system in Ben Lomond Redwood Park in Santa Cruz County. Decision No. 23572 was issued April 6, 1931, in Cases Nos. 2909 and 2913, directing the installation of certain improvements. The original order in the above cases was modified by Decision No. 24025, dated September 8, 1931. Thereafter, upon petition of certain of the complainants, these two matters were reopened for further hearing to determine the extent to which the modified order had been complied with and for the purpose of making such further findings as might be warranted by new evidence. The Commission upon its own motion also issued an order of investigation of this utility's affairs. Although public hearings again were held in all of these matters and the cases submitted, yet no final determination has as yet been made. The record title owners and also the actual operators of the system in control under a conditional sales contract became so seriously involved both financially and in litigation that final decision has been held up pending settlement of these complicated and involved affairs.

A new manager has taken charge of this system and has installed many improvements including additional storage facilities

and new pipe lines and has increased to some extent the water supply. These improvements have provided a fairly satisfactory service even during the abnormally dry summer of this year. Under these circumstances we feel that defendants have complied substantially with the modified orders of this Commission in Decision No. 24025, supra, and that no further improvements should be demanded of the utility at this time.

In the event service conditions again become unsatisfactory, complainants may bring the matter before this Commission through the filing of a new formal complaint rather than through the medium of reopening these three cases.

O R D E R

Public hearings having been held in the above entitled proceedings, the matters having been submitted and now ready for decision, and basing this Order upon the statements set out in the preceding Opinion,

It is hereby found as a fact that defendants have complied substantially and reasonably under the circumstances with the Order of this Commission in its Decision No. 24025, and now, therefore,

IT IS HEREBY ORDERED that the Orders of this Commission reopening for further hearing Cases Nos. 2909 and 2913 be and they are hereby discharged.

IT IS HEREBY FURTHER ORDERED that Case No. 3352 be and it is hereby dismissed.

Dated at San Francisco, California, this 3rd day of December, 1934.

Leon C. White
W. L. P.
M. B. Harris
W. H. P.
J. H. P.
Commissioners.