

ORIGINAL

Decision No. 29031

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

PAUL FURRER, et al.,

Complainants,

vs.

Case No. 4003

CLEAR LAKE PARK CLUB and
JOHN N. O'BRIEN, doing business
as a public utility water com-
pany under the firm name of
CLEAR LAKE PARK CLUB,

Defendant.

In the Matter of the Investigation on
the Commission's own motion into the
rates, charges, contracts, rules, regu-
lations, classifications, operations,
practices, services, or any of them, of
the water system owned and operated by
James M. O'Brien, J.M. O'Brien,
Clearlake Park Club, a corporation,
Clear Lake Park Club, a corporation,
Pine Dell Club, First Doe, Second Doe,
John Doe and Richard Roe, a co-partner-
ship, First Doe Corporation, Second Doe
Corporation, or any of them, for the
sale and distribution of water in and
in the vicinity of Clear Lake Park,
Clearlake, County of Lake, State of
California.

Case No. 4022

Paul Furrer, for himself and
other complainants.
James M. O'Brien, for defendants.

BY THE COMMISSION:

OPINION ON REHEARING

On the thirtieth day of December, 1935, this Commission

established a schedule of rates in Decision No. 28476 in the above entitled proceedings. The utility involved serves water to certain subdivided areas extending approximately four miles along a narrow strip of shore-line from the Town of Clearlake to Parkhaven on Clear Lake in Lake County. Although Mr. James M. O'Brien as President of the owning corporation had stipulated that the utility rates be established in these proceedings and the evidence necessary therefor was presented, there afterwards arose a question of jurisdiction so to do. The undisputed owner and operator of the utility involved herein is now firmly established as Clear Lake Park Water Company, a corporation of which said James M. O'Brien is President. This corporation filed a petition for rehearing based principally upon the grounds that the findings were contrary to the evidence and that the schedule of rates established would not yield a fair return but that these rates were confiscatory and discriminated against certain classes of consumers. The petition was granted and a public rehearing was held in Clearlake before Examiner MacKall.

Defendant requests a rate schedule based upon an allowance of only 100 cubic feet of water per month at a charge of one dollar and fifty cents (\$1.50). The rate established by Decision No. 28476 makes the base allowance 500 cubic feet for one dollar and seventy-five cents (\$1.75) per month and, in addition, fixes an annual charge for summer users at eighteen dollars (\$18.00). The evidence is conclusive that the allowance of but 100 cubic feet as a monthly minimum for one dollar and fifty cents (\$1.50) not only is wholly inadequate but is unjust and unfair to practically every consumer on the system. No trial was given by de-

fendant of the rate established by the Commission which in this instance is substantially higher than most of the summer-resort utility rates in effect not only around Clearlake but also on the Russian River where similar conditions exist.

There was no evidence presented on rehearing which would justify any modification or revision of the Order in the original proceeding in these two matters. The question of jurisdiction being now settled as properly within the powers of this Commission, the original Order in Decision No. 28476 in the above entitled proceedings will be affirmed. Rules and Regulations having already been filed in compliance with said Order need not again be filed.

ORDER ON REHEARING

Petition for rehearing in the above entitled proceedings having been granted and publicly held, the matters having been duly submitted and the Commission being now fully advised in the premises, and other good cause appearing, now, therefore,

IT IS HEREBY ORDERED that the original Order in these proceedings as issued in Decision No. 28476, dated the thirtieth day of December, 1935, be and it is hereby affirmed, provided, however, that Clear Lake Park Water Company, a corporation and now by stipulation agreed to be sole party defendant herein, need not again file Rules and Regulations unless and until other-

wise ordered by this Commission.

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 7th day of August, 1936.

Alfred A. Cunn

Walter H. ...

Frank R. ...
Commissioners