

Decision No. 29729

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of McEwen Bros., a California
corporation, for permission to
discontinue water service in
Richmond, California.

Application No. 20930

ORIGINAL

Dana McEwen, for Applicant.

Harold Raines, for East Bay
Municipal Utility District.

J. C. McVettie, for City of
Richmond.

BY THE COMMISSION:

O P I N I O N

In this proceeding, McEwen Bros., a corporation, asks for authority to discontinue water service to its consumers in Richmond, Contra Costa County. The application sets forth that the East Bay Municipal Utility District has invaded McEwen Bros.' territory, has laid water mains therein and is now supplying water to so many of its former consumers that it can no longer operate except at a loss.

A public hearing in this matter was held before Examiner Claude C. Brown in Richmond.

McEwen Bros. operates a water works now serving approximately 183 consumers in the territory embraced within Ohio, Fifteenth, Potrero and First Streets within the City of Richmond.

The system was installed thirty-five years ago and has since been in continuous operation as a public utility. Applicant's service area is also within the boundaries of East Bay Municipal Utility District, a public corporation which serves water throughout all adjoining territory and is gradually extending service throughout the McEwen Bros.' service area, having to date taken forty consumers from the public utility system. The District does not plan to purchase or use any of applicant's pipe lines, wells, mains or other facilities and it is clear the utility cannot continue to operate indefinitely under such conditions.

Representatives of the District testified that said District would lay mains to serve all applicant's consumers with no installation charge and could cut over to its system all desiring service within ninety days. There being no objection made, applicant's request will be granted, subject to the refunding of certain deposits made by consumers and to the terms and conditions set forth in the following Order.

O R D E R

McEwen Bros., a corporation, having applied to this Commission for an order authorizing it to discontinue public utility service, a public hearing having been held thereon, the matter having been duly submitted and the Commission now being fully advised in the premises,

IT IS HEREBY ORDERED that McEwen Bros., a corporation, be and it is hereby authorized to discontinue, within ninety (90) days from and after the date of this Order, all public utility

water service rendered by it within the City of Richmond, County of Contra Costa, subject to the following terms and conditions:

1. Within ten (10) days from the date of this Order, McEwen Bros., a corporation, shall notify in writing each consumer now being supplied with water service from its system of the authority herein granted and said McEwen Bros., a corporation, shall make such arrangements as may be necessary with East Bay Municipal Utility District for said District to provide each such consumer with water service within ninety (90) days from and after the date of this Order. Nothing in this Order shall be construed as permitting discontinuance of service to any consumer by McEwen Bros. until service is rendered said consumer by East Bay Municipal Utility District.
2. Within ninety (90) days from the date of this Order, McEwen Bros., a corporation, shall refund all amounts due consumers for deposits made to guarantee payment of water bills, for main extensions, meter and/or service connections, and/or for any other purposes.
3. Within ninety (90) days from the date of this Order, McEwen Bros., a corporation, shall file with this Commission a certified statement indicating that it has duly complied with Paragraphs 1 and 2 of this Order and shall state in addition in said certified statement the date upon which McEwen Bros. has finally ceased delivering water to its consumers and East Bay Municipal Utility District has assumed service to said consumers as hereinabove provided.

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 3rd day of May, 1937.

Arthur M. ...
Leon ...
Frank ...
Ray ...
Walter ...
Commissioners