

Decision No. 37190

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
WILLIAM FRASER, operating under the
name of WEOTT WATER COMPANY, for
Order Authorizing An Increase of
Water Rates.

ORIGINAL

Application No. 25156

William Fraser, in propria persona.

Nelson and Ricks, by Howard P. Noyes,
for Mrs. J. E. Johnson.

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

This Commission in its Decision No. 36671, dated October 19, 1943, established a schedule of flat and measured rates to be charged by William Fraser for water delivered to his consumers in the Town of Weott in the County of Humboldt.

By reason of the numerous complaints registered by the commercial consumers who have suffered serious losses of business through decreases in volume of highway traffic, the application of the new rates as interpreted by Mr. Fraser has resulted in alleged excessive charges in certain instances. Informal efforts to adjust the disputed charges having failed, the Commission ordered the proceeding reopened for further hearing to determine whether said Decision No. 36671 should be rescinded, modified or amended in any particular.

A public hearing in this reopened matter was held before Examiner William Stava at Weott.

Mrs. J. E. Johnson, one of the protestants, testified that the charges for water delivered to her premises were increased from \$5.00 per month to \$11.45 per month. She considered this sum excessive and deposited the disputed amount with the Commission for adjustment. Her premises consist of a general merchandise store with a soda fountain, service station, rest rooms, 10-room house, cabin, an apartment over a private garage, and a large garden and some fruit trees. Her place of business is an official Greyhound Bus stop.

Mr. S. W. Wilkinson, another consumer, testified that prior to the Commission's decision establishing rates, the charges to his premises were \$2.50, later being raised to \$5.65. His premises consist of a two-story building with a store and living quarters on the ground floor and rooms above. He also considered the increased charges excessive and deposited the disputed sums with the Commission for adjustment.

Mr. Mortimer Wright stated that the charges to his premises had been increased from \$2.50 to \$4.15 per month by reason of the Commission's decision. His premises consist of a two-story building with a bar and pool room on the ground floor and rooming house accommodations above.

Mrs. Pauline Switzer, testifying in behalf of Mrs. Olga Davis, stated that the charges to the Davis premises had been increased from \$2.50 to \$6.30 per month. These premises consist of a two-story building, with a bar, candy shop, soda fountain and living quarters on the ground floor, and five rooms above, together with an assembly hall in the rear. Mrs. Davis also deposited the disputed charges with the Commission for adjustment.

Mr. Fraser testified that he billed all of the protestants in accordance with the schedule of flat rates established by the Commission. He installed a meter on the Johnson premises in order to check the use of water and found that it registered approximately 6,000 cubic feet per month for the three-months' period of February, March and April. The charges in accordance with this use at the meter rates at present in effect would have been \$9.75 per month.

The evidence shows that all of the protestants' premises consist of stores that contain several different small business activities together with living quarters, as the community is not large enough to support any one enterprise, and it is necessary to combine such activities in order to continue in business.

The schedule of rates established by the Commission as a result of a premises survey, provided charges for various combinations of businesses that could have been made applicable to protestants' premises without resulting in the charges made. However, Mr. Fraser chose to apply a special condition that was also a part of the schedule, reading as follows:

"For any combination of living quarters and business establishments taking water service through the same connection, the total monthly rate shall be determined by adding the separate rates listed above."

The application of this special condition, while technically correct, was neither a practical nor a fair application of the rate to any of the protestants' premises and has resulted in excessive and highly discriminatory charges.

In order to avoid any future misunderstandings concerning the application of the rates established by the Commission in its Decision No. 36671, the schedule will be altered and amended as set out in the following order, and the disputed charges deposited with the Commission will be adjusted on the basis of the schedule of flat rates established herein. If there are any changes in the facilities in any of the premises, the flat rates can be adjusted accordingly or a meter may be installed on the service.

Other consumers having premises at higher elevations complained of the inadequate service that was furnished during the summer months. Mr. Fraser stated that he had extended the transmission main approximately 600 feet up the stream from the former location which will avoid the necessity of pumping for the higher levels and provide continuous and satisfactory service at higher pressures to the consumers in these areas.

FIRST SUPPLEMENTAL ORDER

The Commission having issued its order reopening the above entitled proceeding for the purpose of determining whether Decision No. 36671 should be rescinded, altered or amended in any particular, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully advised in the premises,

IT IS HEREBY FOUND AS A FACT that the flat rates now being charged by William Fraser, operating under the fictitious firm name and style of the Weott Water Company for water supplied to his consumers in and in the vicinity of the unincorporated Town of Weott, in the County of Humboldt, are unjust and unreasonable in so far as they differ from the rates herein established, and that the rates herein established are just and reasonable rates to be charged for the service rendered; and,

Basing its Supplemental Order upon the foregoing findings of fact and upon further statements of fact contained in Supplemental Opinion which precedes this Supplemental Order,

IT IS HEREBY ORDERED that the portion of the Order in this Commission's Decision No. 36671, dated October 19, 1943, authorizing the directing and filing of Schedule No. 2 - Flat Rates and Special Conditions, be and they are hereby rescinded and annulled.

IT IS HEREBY FURTHER ORDERED that William Fraser, operating under the fictitious firm name and style of the Weott Water Company, be and he is hereby authorized and directed to file with the Railroad Commission, within thirty (30) days from the date of this Supplemental Order, the following schedule of flat rates to be charged for all water delivered to his consumers on and after the

1st day of August, 1944:

Schedule No. 2
MONTHLY FLAT RATES

Applicability:

Applicable to all domestic and commercial water service.

Territory:

In and in the vicinity of the Town of Weott, Humboldt County.

Rates:

	<u>Per Month</u>
1. For each dwelling, house or living quarters, including reasonable and necessary quantities of water for an irrigated area of not over 3,500 square feet of lawns, gardens, shrubbery or trees and taking water from a separate connection, each	\$2.00
2. For irrigation of grounds planted to lawns, gardens, shrubbery or trees in excess of the 3,500 square feet included in the dwelling rate, payable six (6) months of the year, from May to October, inclusive, per 100 square feet . .	0.02
3. (Willetts) Store and living quarters	3.90
4. Barber Shop	2.50
5. Theatre	2.00
6. (Vina Willetts) Residences (4) - one service connection	5.00
7. (Pesulas) Garage and house	4.65
8. (Kaskabas) Restaurant	3.35
9. (Wright) Pool Room, Bar and Rooms	3.90
10. (Wilkinson) Store, living quarters and rooms	3.90
11. (Rasmussen) Auto Court and Service Station, when open	8.00
12. (Rasmussen) Auto Court and Service Station, when closed	3.00

Schedule No. 2 - Continued

MONTHLY FLAT RATES

	<u>Per Month</u>
13. Garage	\$2.65
14. (Vacant) Creamery and house	9.50
15. (Davis) Bar, Soda Fountain, living quarters and rooms . . .	4.90
16. (Johnson) General Store, Soda Fountain, Service Station, House, Cabin and Apartment	9.30
17. (Vacant) Restaurant and living quarters	4.60

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 36671 shall remain in full force and effect.

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 11th day of July, 1944.

Richard Kachre
Justice P. Casner
Francis D. Havener

W. Ross Russell
 Commissioners.