

Decision No: 37947

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

BRISBANE CIVIC LEAGUE,
Complainant,

-vs-

VISITACION CITY WATER COMPANY,
Defendant.

ORIGINAL

Case No. 4599

W. H. Morrissey, for Complainant,

Earl C. Elliott, for Defendant.

BY THE COMMISSION:

ORDER OF DISMISSAL

This is a complaint filed by Brisbane Civic League, a voluntary organization of residents and property owners of the unincorporated town of Brisbane in the County of San Mateo, California. The complainant alleges unsatisfactory water service for both domestic and fire protection purposes. By way of answer, defendant Visitacion City Water Company entered a general denial of inadequate service and supply and alleged that installation of proposed improvements had been opposed by complainant before the San Mateo County Planning Commission.

A public hearing in this matter was held in Brisbane before Examiner M. R. MacKall.

The evidence presented at the hearing held herein showed frequent service interruptions and inadequate water pressures both for household uses and for proper fire hydrant deliveries, especially during late summer months. Since the hearing, however, defendant has installed several improvements recommended by the

Commission's engineers and now that war-time restrictions have been considerably lifted on waterworks materials and supplies, defendant can and is willing to proceed with full completion of the program of improvements. A new two-inch service connection has been obtained from the San Francisco Water Department transmission main supplying the downtown business district, which, together with certain fire hydrant and connection changes, should materially benefit service conditions and fire protection facilities on the lower sections of the service area. In addition thereto, through the efforts of this Commission, a contract has been entered into by defendant and Clyde Henry, owner and operator of the Brisbane Water Company, wherein and whereby a final agreement has been reached over the amounts of water each of said utilities is entitled to under the terms and provisions of that certain indenture between Spring Valley Water Company and Guadalupe Development Company, providing for the delivery of 100,000 gallons of water daily by the said water company to said Guadalupe Development Company at the rate of 15¢ per 1000 gallons. The settlement of this long standing controversy provides for an equal distribution of water to each waterworks, 50,000 gallons daily. The San Francisco Water Department, as successor in interest to Spring Valley Water Company, has agreed to provide separate service connections to deliver this contract water and also other service connections for additional water if so requested. This mutual agreement together with the separation of the contract water service connections should go a long way toward relieving restrictions heretofore existing at the main source of water supply.

Under the above mentioned circumstances, and especially in view of the partial lifting of certain war-time bans upon new utility construction, it appears evident past improvements and those now possible of installation and completion should so satisfy the matters complained of herein as to warrant the disposal of the proceeding at this time. However, in the event service conditions deteriorate in the future, complainant may and should again bring

this case formally before the Commission. For this reason the matter will be dismissed without prejudice.

Now, therefore, good cause appearing,

IT IS HEREBY ORDERED that the complaint, above entitled, be and hereby is dismissed without prejudice.

Dated at San Francisco, California, this 29th day of May, 1945.

Harold Robinson
Justice F. Craven
Richard Kachas
James Dean
Earl F. Russell
COMMISSIONERS.