

Decision No. 38444

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

G. W. Dowling, Hattie Rich, Henry Casada,
 William Fisher, Frank Scofield, W.W. Berry,
 T. W. Gibson, Frank Hess, Earl Crawford,
 Ray Fisher, C. W. Buck, Clark Gilham, Thomas
 Stites, Glenn W. Young, Oscar Sommers,
 Cora Coe, A. D. Miller, S. E. Woods,
 C. C. Simon, T. J. Moore, R. H. Stierlen,
 Homer Simon, W. H. Bundy, William O. Fisher,
 W. W. Cadwallader, Mary E. Cole, Gil Trudeau,
 Anna Stites, B. Forry, L. A. Reid, M. A. Jordan,
 Fred Helmick, I. L. Cole,

Complainants,

vs

Mountain Properties, Inc.,

Defendants.

ORIGINAL

Case No. 4722

Mr. J. Parley Smith, for Complainants.
 Mr. Geo. C. Lyon, for Defendants.

BY THE COMMISSION:

ORDER OF DISMISSAL

This is a complaint filed by G. W. Dowling and 32 other water users served by the Silver Acres Water System of Mountain Properties, Inc., located in Orange County, alleging that prior to the first day of November, 1943, the water users were paying a flat rate of \$1.50 per month with the understanding that such charge would cover any and all amounts consumed on the premises of the users. It is alleged that after the first day of November, 1943, water meters were installed on the service pipes of 22 of the above complainants which has resulted in an excessive and exorbitant cost of water. Complainants request that their water rates be reduced to the original flat rate charge of \$1.50 per month. In its answer

defendant claims that it has spent a considerable amount of money in improvements in its water system, including a new pumping plant and certain other facilities. It alleges that under flat rates the operations have been conducted at a loss which has forced the installation of meters on the larger water users. It furthermore alleges that the schedule of meter rates charged was established by the Railroad Commission and is fair and reasonable.

A public hearing in this matter was held before Examiner Everett L. Clark in Santa Ana, Orange County, California.

During the course of the hearing held herein it became apparent that certain pertinent and essential data were not available for presentation as evidence and the matter was adjourned to a date to be set. Subsequent thereto negotiations between complainants and defendant resulted in an agreement between said parties on a new and reduced schedule of meter rates which would remove the grounds of complaint. Complainants agreed in writing that upon the filing with the Commission of the following schedule of meter rates, the complaint herein may be dismissed:

Monthly Meter Rate Schedule

First 1,000 cubic feet or less.....	\$1.50
Next 1,000 cubic feet, per 100 cubic feet.....	.15
Over 2,000 cubic feet, per 100 cubic feet.....	.12½

The defendant has filed with this Commission, under the provisions of General Order No. 96, the above schedule of rates which will be made effective as provided therein. In accordance with the agreement by and between complainants and defendant herein, this complaint, therefore, is now satisfied and accordingly will be dismissed.

ORDER

Complaint as entitled above having been filed with this Commission, a public hearing having been held thereon and the matter of complaint having been

duly satisfied, and other good cause appearing, now, therefore,

IT IS HEREBY ORDERED that the above entitled proceeding be and it is hereby dismissed.

Dated at San Francisco California, this 27th day of November, 1945.

Harold Culver
Justice F. Casper
Francis Dew
Irving Russell
Harold Hula

Commissioners.