

DECISIONS OF

Pennsylvania Public Utility Commission

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HARRISBURG, PENNSYLVANIA
1942

	<i>Average Number of Customers</i>	<i>Revenue Per Customer KWH</i>	
Residential	1615	\$ 39.10	\$.117
Cooking	13	45.72	.097
Refrigeration	36	43.83	.081
Commercial	80	132.54	.064

Based upon the foregoing, it can hardly be said that there is an economic justification for the continued existence of the company of this type. While it may be able to fully justify its high rates when the usual rate-making principles are applied, there is some limitation to the maximum rate possible to be charged because of the value of the service to the customer (*Smyth v. Ames*). And while the value of the service to the customer may depend upon many factors, including other means of obtaining light and power, such as generation by individual consumers or by cooperative effort of a group of consumers, the value of the service from the standpoint of the customer is measured, to a great extent, by the rate level obtaining in the same general area. This is particularly true in the case of Harvey's Lake Light Company because of the proximity of its territory to that of larger producers which have much lower rates in effect. In other words, the existence of this company, as well as that of many other small companies throughout the Commonwealth, is the result of an economic accident in the integration of electric utilities, which has left certain residual areas to be served at the high rates by small inefficient economically handicapped utilities, while other consumers in exactly similar areas, and possibly their neighbors, have been absorbed into large electric operating systems with relatively low rates available to them.

APPLICATION OF THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY

APPLICATION DOCKET No. 55912

Crossings—Abolition.

Where the tracks of a railroad across a highway had been removed and the roadway surface within the crossing area restored in kind, the Commission approved an application for the abolition of the crossing.

No appearances.

ORDER NISI

BY THE COMMISSION, April 3, 1939:

This matter comes before us upon application of The Delaware, Lackawanna and Western Railroad Company seeking our approval of the abolition of the crossing at grade, where the single track of the Sibley Branch of the railroad company crosses Union Street (State Highway Route No. 35051) in Taylor Borough, Lackawanna County.

The track of the Sibley Branch of applicant was removed some time prior to December, 1937. The portion of the track within the limits of Union Street was removed concurrently with the remainder of the branch track, and the roadway surface within the crossing area was restored in kind. No protest has been entered against the abandonment of the crossing, or against our approval of the present application.

The facilities of the railroad company having been removed and the surface of the highway restored in a manner satisfactory to the Department of Highways, as evidenced by its letter of December 16, 1938, the future maintenance of the crossing area should be assumed by the said department.

After full consideration of the matters and things involved, we find that the abolition of the crossing at grade, where the single track of the Sibley Branch of The Delaware, Lackawanna and Western Railroad Company formerly crossed Union Street (State Highway Route No. 35051) at a point in Taylor Borough, Lackawanna County, is necessary or proper for the service, accommodation or convenience of the public; **THEREFORE,**

NOW, to wit, April 3, 1939, IT IS ORDERED: That the prayer of the instant petition be and is hereby granted.

IT IS FURTHER ORDERED: That the crossing at grade, where the single track of the Sibley Branch of The Delaware, Lackawanna and Western Railroad Company crosses Union Street (State Highway Route No. 35051) in the Borough of Taylor, Lackawanna County, be and is hereby abolished.

IT IS FURTHER ORDERED: That applicant, at its sole cost and expense, provide and install any drainage facilities necessary to drain properly the highway at the crossing herein ordered abolished.

IT IS FURTHER ORDERED: That applicant, at its sole cost and expense, remove any crossing or advance warning signs which may

presently be installed along the highway at the crossing herein ordered abolished.

IT IS FURTHER ORDERED: That the Department of Highways maintain, at its sole cost and expense, that portion of the highway formerly occupied by the crossing herein ordered abolished and, in addition, maintain any new drainage facilities installed in compliance with this order.

IT IS FURTHER ORDERED: That all work herein ordered be completed in a manner satisfactory to this Commission on or before July 1, 1939.

IT IS FURTHER ORDERED: That, unless exceptions are filed hereto by one or more of the parties in interest, within 15 days after service of this order nisi, it shall become the final order in this proceeding.

**APPLICATION OF DEPARTMENT OF HIGHWAYS OF THE
COMMONWEALTH OF PENNSYLVANIA**

APPLICATION DOCKET No. 54692

Crossings—Relocation—Public Safety—Damages—Facilities.

Where the alignment and grades of a highway approach to a crossing were irregular, the Commission ordered the relocation of the crossing as necessary to public safety.

The facilities of any public utility company located within the limits of the highway which must be changed or removed as an incident to the relocation to the crossing must be done by the public utility at its sole expense.

Forrest Mercer for the Department of Highways.

W. S. T. Hurlock, Jr., for the Pennsylvania Railroad.

ORDER

BY THE COMMISSION, April 3, 1939:

The Department of Highways by virtue of the provisions of the Act of Assembly of May 31, 1911, P. L. 468, and its supplements and amendments, and the Act of Assembly of July 22, 1931, P. L. 594, has relocated and proposes to improve a portion of State Highway Route No. 44018 about 1120 feet in length, located in the Borough of Mount Union, Huntingdon County, which extends in a general southeasterly direction from a point on Pennsylvania Avenue at State Highway Survey Station 19+90, to a bridge over the