

Decision No. 17847.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

R. E. CRONIN, MRS. J. W. TAYLOR,)
MRS. W. W. NORWOOD, MRS. R. E.)
POWLES, MRS. C. B. FOLLINE, G. S.)
McKAY, MRS. C. W. JOHNSON, W. W.)
TANNER, R. McILVEEN, JOHN W. GROTHER,)
JOHN DONNENWIRTH, MRS. A. LOFHOLM,)
GEO. H. NEWMAN, J. W. WRIGHT, F. E.)
MOON, W. F. COX, P. K. NICOLOS, MRS.)
J. A. SHILL, MRS. E. WINFREE, A. L.)
DAVIS, AUGUST SARTROM, MRS. J. C.)
CURRIER, A. N. WAITE, J. C. JAMES,)
MRS. C. L. SHEPARD and B. B. MOOTS,)
Complainants,

Case No. 2180.

vs.

PORTOLA WATER COMPANY,
Defendant.

ORIGINAL

L. H. Hughes for complainants.

H. B. Wolfe for defendant.

BY THE COMMISSION:

O P I N I O N

This is a complaint brought by R. E. Cronin and thirty-five other consumers against the Portola Water Company, a corporation, engaged in the public utility business of supplying water for domestic and commercial purposes in the unincorporated town of Portola, in Plumas County. The complaint alleges in effect that the defendant company has not supplied its consumers with water in adequate quantities for many years last past; that notwithstanding the fact that the water supply is wholly inadequate for the requirements of the present consumers, defendant nevertheless continues to extend service to new consumers and has not made and is not now mak-

ing any effort to increase its water supply; that there is no water supply available to the community for fire protection purposes other than that furnished by defendant; that there has been organized in the town of Portola a fire district which has funds available for the installation of fire hydrants and the acquisition of fire-fighting equipment but that the defendant company does not now nor has it for several years last past furnished sufficient water for fire protection, so that said fire district is unable to proceed with its program of providing facilities for the reduction of the existing serious fire hazard in the community. It is furthermore alleged that complainants believe there is available to defendant from several sources sufficient water to meet all reasonable requirements of the town for both present and future. The Commission therefore is requested to require defendant water company to provide and furnish its consumers with an adequate supply of water, or that defendant be enjoined from extending service to new applicants, or that other persons be permitted to furnish water to the inhabitants of the town of Portola.

A public hearing in this proceeding was held before Examiner Austin at Portola after all interested parties had been duly notified and given an opportunity to appear and be heard.

The water supply of this company is at present obtained from three springs located from two to four miles from town, to which distribution is made by gravity. The average yield of these three springs as claimed by the company, and their elevation, are as follows:

	<u>Elevation</u>	<u>Capacity</u>
Golden Spring	6,000 feet	36,000 gallons per day
Malloy Spring	5,056 "	14,000 " " "
Turner Spring	5,248 "	<u>30,000</u> " " "
Total		80,000 " " "

The Beckwith Peak Lumber Company has a prior right over the water company to divert 15,000 gallons per day from Turner Spring.

Transmission from Turner Spring is by means of a two-inch pipe line. From the other two springs water is transmitted through pipe lines varying from two inches to three and one half inches in diameter. Water is stored in a reservoir having a capacity of 225,000 gallons and located immediately above the town. With the exception of a small amount of 4, 5 and 6 inch pipe, most of the distribution system is composed of small-sized pipe. The population served is approximately 1,200, and at the time of the hearing the Company had 200 active consumers, all of whom are unmetered.

Complainants testified that the pressure was generally poor throughout the system, that at frequent intervals, especially during the summer, water was off for hours at a time in many parts of the system, and that in the sections of the town of relatively higher elevation the service was generally very unsatisfactory. Further complaint was made to the effect that the Beckwith Peak Lumber Company and the Western Pacific Railroad have taken more than a reasonable amount and more than their fair share of water, thereby leaving an entirely inadequate supply for the domestic consumers.

The company contends that it has made many improvements recently but that because of the general waste of water by consumers for lawn and garden sprinkling there has been an insufficient supply of water available.

From the evidence it appears that the present water supply is less than sixty gallons daily per capita, including a few relatively large consumers, which of course for such a community is entirely inadequate. Evidence as to the possibility of obtaining

additional water is conflicting and too indefinite in nature to enable this Commission at this time to make a final recommendation therein. It is clear however that the defendant company has not a sufficient water supply for its present needs and that it has not made any determined effort to acquire additional water. A public utility water system has the obligation imposed upon it by law to provide proper service at all times in reasonably adequate quantities and owes the public the duty to make all reasonable efforts to provide such service. This company therefore will be expected to take immediate steps to procure and develop such additional water as shall be required to properly provide for its consumers.

The investigation of conditions existing on this system made by the Commission's hydraulic engineers indicates that the transmission lines from the springs consist of long stretches of very small pipe, principally 2-inch O.D. casing, of insufficient carrying capacity and improperly located; that the present storage capacity, dependent as it is on the flow of springs, is entirely inadequate to care for peak load demands; that the distribution mains in Portola consist mainly of pipe smaller than 2 inches in diameter, especially in the higher sections of the community; that a 4-inch main supplying the properties of the Western Pacific Railroad is so located at the lower end of the system as to practically drain the remainder of the distribution mains when in heavy use, thus preventing the consumers living at a higher elevation from receiving proper water service and at times making it impossible to obtain any water whatsoever.

This system is entirely unmetered. Representatives of the company were unable to state even approximately the amount of water being taken by the Beckwith Peak Lumber Company or the railroad. The representatives of the company have testified that it has been difficult to secure the cooperation of the

consumers in observing restrictions in lawn and garden irrigation. This is of course the inevitable result of an entirely inadequate water supply subject to frequent service interruptions, which invariably creates the attitude on the part of the consumers that water must be used when there is any available. There is only one remedy for this situation which is fair and reasonable both to the company and to the consumers, whose interests must be protected, and that is to completely meter the system, providing temporarily, until meters have been installed, reasonable hours regulating the use of water for sprinkling purposes in order to have available during the coming summer months sufficient water for household and sanitary requirements, or until the improvements which will be required in this order have been installed and relief secured.

Complaint has been made that defendant has not provided the necessary facilities for fire protection purposes. The evidence shows that with a few exceptions the pipe lines in the distribution system are too small to provide the volume of water necessary for fighting fires; in addition to this, present storage facilities are not sufficient and are frequently entirely drained, resulting in an unreliable standby in case of fire. Both the courts and this Commission have consistently held that a utility cannot reasonably be required to furnish water for fire protection purposes beyond its existing facilities unless provision is made to properly compensate such a utility for the necessary expenditures to provide fire service, in excess of domestic needs. It is therefore suggested that the fire district enter into negotiations with this water company to the end that arrangements may be made to provide through fire hydrant rates or otherwise sufficient revenue to enable the company to furnish without financial loss the necessary increased main capacity over and above that required for its domestic service use.

The fact should not be lost sight of that this system was installed many years ago to serve a much smaller community and that as the population increased the pipe lines were extended here and there to take care of the needs of the moment. Portola now has grown to such an extent that the mains and pipe lines are no longer adequate in size and properly located to care for the present demands. However, to completely reconstruct the distribution and transmission systems would place such a financial strain upon defendant company as to be out of the question and entirely unreasonable, but steps can and should be undertaken gradually to modernize the plant, and such measures will be provided for herein.

O R D E R

R. E. Cronin et al. having made complaint as entitled above against the Portola Water Company, a corporation, alleging poor and inadequate water service, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully informed in the matter,

IT IS HEREBY ORDERED for the reasons set out in the preceding opinion that Portola Water Company, a corporation, be and it is hereby directed as follows:

1. To cause a thorough investigation to be made immediately for the purpose of securing and developing an additional water supply to adequately provide for the reasonable requirements of its consumers, submitting to this Commission, for its approval, not later than August 15, 1926, complete and comprehensive plans outlining the methods to be adopted, said plans providing for making such additional water supply available on or before May 31, 1927.

2. To submit to this Commission for its approval, within twenty (20) days from the date of this order, plans for the installation of storage facilities in addition to the present reservoir of 225,000 gallons capacity, said additional storage facilities to be of a total capacity not less than 300,000 gallons and to be installed and in satisfactory operation on or before July 31, 1926.
3. To install on or before July 31, 1926, a standard water meter or other proper measuring device upon each of the service pipes supplying the Western Pacific Railroad Company's properties and the Beckwith Peak Lumber Company, and after July 31, 1926, to charge said consumers under the meter rates for all water supplied for which said Portola Water Company is entitled to receive compensation.
4. To submit to this Commission within sixty (60) days from the date of this order a program providing for the installation of water meters so that the system shall be seventy per cent. metered within a period of one year from the date of this order.
5. To replace all intake transmission lines less than three inches in diameter with pipe of three inches in diameter or larger, said replacement to be completed on or before September 30, 1926.

6. To submit to this Commission within ten (10) days from the date of this order, for its approval, a schedule restricting the hours for lawn and garden sprinkling either by zones or otherwise, said restrictions to be placed in immediate effect upon acceptance by this Commission.

7. To submit plans to this Commission within thirty (30) days from the date of this order providing for the installation of such improvements to the distribution system as will render proper and adequate service in the district east of California Street, south of First Street and north of Fourth Street, also on Nevada Street and also on Fourth Avenue west to Main Street.

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 29 day
of ^{July}~~June~~, 1926.

H. B. Brundage

C. Cleary

Ernest J. ...

Commissioners.