

ORIGINAL

Decision No. 18891

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

MABLE C. TWOMBLY, MRS. FLECK,
MRS. C.D. BROYLES, A.E. BOYD,
MRS. J.D. HILTON, MRS. G.A. WRIGHT,
MR. C.A. WRIGHT, MRS. ADDIE REED,

Complainants,

Case No. 2391

vs.

O.P. MILLS,

Defendant.

Harry Houser, for Complainants.

E.M. Rosenthal, for Defendant.

BY THE COMMISSION:

O P I N I O N

The complaint herein alleges in effect that the water distributed through the public utility water system operated by the defendant under the fictitious name of Willow Glen Water Works and serving consumers in the vicinity of San Jose, California, is often dirty; that the pressure is insufficient; that the accounting methods used by the defendant are unsatisfactory and that his treatment of consumers has been abusive and insulting. These allegations are all denied in the answer filed by the defendant.

Public hearings were held by Examiner Vaughan at San Jose, and the matter was duly submitted and is now ready for decision.

The testimony of the majority of complainants' witnesses was to the effect that the water supply was frequently discolored and contained considerable sediment; that the water pressure was often too low for domestic use; and that on several occasions the water service was discontinued for several hours at a time without previous notice of such discontinuance having first been given to the consumers. These witnesses also testified that water bills were not rendered regularly; that the bills did not always show the previous month's meter readings and that in case it was necessary to complain of an incorrect bill or against the service, these complaints were met with insult and abuse. Consumers residing on Jonathan Avenue testified that the service was very poor and that the street was served by a two-inch main.

Defendant introduced testimony contradicting that adduced through complainants' witnesses. County officials and highway officials testified to the effect that the pipe observed by them in the course of their duties was in good condition, but that numerous leaks occurred on the system and that the defendant was slow in repairing them.

From the evidence, it is clear that discolored water is at times delivered through this system; that the water pressure is frequently too low to provide an adequate service; that the two-inch pipe serving consumers on Jonathan Avenue is too small to adequately serve said consumers; that the defendant does not present his monthly water bills with regularity and that he is not always courteous in his dealings with his consumers.

It is likewise clear from the record that the well provides an ample water supply and the pump, automatic control installation, pressure system and storage tank are in good condition and are properly maintained, and that, in general, the

mains are of sufficient size to render reasonable service. However, in order to provide better service in certain areas and to inform consumers of their rights and privileges, it is recommended that the defendant should increase the water pressure on the system to a minimum of fifty (50) pounds; that he should replace 850 feet of 2-inch pipe on Jonathan Avenue with 3-inch pipe; that all water bills rendered for metered service should show the meter readings for both past and current months, and that the following should be printed on the reverse side of the bills for both flat and metered service:

RULE AND REGULATION

No. 10 - DISPUTED BILLS.

In case a dispute should arise over the correctness of any bill rendered for water service, the Company will notify the consumer in writing to deposit for adjustment with the Railroad Commission, at San Francisco, the full amount of the presented bill. Such deposit made with the Railroad Commission will preclude the Company from shutting off service for the non-payment of the disputed account pending the settlement thereof by the Commission. Failure on the part of the consumer to make such deposit with the Railroad Commission within 15 days after receipt of written notice thereof will warrant the Company in discontinuing the service without further notice until the bill has been paid.

O R D E R

Complaint, as above named and numbered, having been filed with this Commission, public hearings having been held thereon, the matter having been duly submitted and being now ready for decision,

It is hereby found as a fact that the service rendered by O.P. Mills, operating under the fictitious name and style of Willow Glen Water Works, is inadequate in certain areas as to pressure; that water bills do not always show the preceding month's meter readings or provide information regarding adjustments of

disputes by the Railroad Commission.

Basing its order on the foregoing findings of fact and on the further statements of fact contained in the opinion which precedes this order,

IT IS HEREBY ORDERED that the defendant, O.P. Mills, operating a public utility water system under the fictitious name and style of Willow Glen Water Works, be and he is hereby directed and ordered to increase, within thirty (30) days from the date of this order, the water pressure on said system to, and thereafter maintain at, a minimum pressure of fifty (50) pounds at the pressure tanks.

IT IS HEREBY FURTHER ORDERED that the defendant be and he is hereby directed and ordered to replace with three-inch I.D. pipe, or larger, 850 feet of two-inch pipe over and along Jonathan Avenue and serving consumers on such street, said replacement to be completed and in proper operation within sixty (60) days from the date of this order.

IT IS HEREBY FURTHER ORDERED that the defendant be and he is hereby directed and ordered to set out the meter readings of both the current month and the month immediately preceding on all water bills rendered for metered service, said meter readings to appear on all bills for metered service sent out subsequent to the date of this order.

IT IS HEREBY FURTHER ORDERED that the defendant be and he is hereby directed and ordered to revise the present Rule No. 10 of his Rules and Regulations to read as follows:

RULE AND REGULATION

No. 10 - DISPUTED BILLS.

In case a dispute should arise over the correctness of any bill rendered for water service, the Company will notify the consumer in writing to deposit for adjustment with the Railroad Commission, at San Francisco, the full amount of the presented bill. Such deposit made with the Railroad Commission will preclude the Company from shutting off service for the non-payment of the disputed account pending the settlement thereof by the Commission. Failure on the part of the consumer to make such deposit with the Railroad Commission within 15 days after receipt of written notice thereof will warrant the Company in discontinuing the service without further notice until the bill has been paid.

Said Rule No. 10, as revised, is to be printed on all bills sent to consumers for flat and metered water service after the date of this order.

IT IS HEREBY FURTHER ORDERED that the defendant notify this Commission in writing that the provisions of this order have been properly complied with within ten (10) days of compliance therewith.

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 4th day of October, 1927.

Ernest W. Adams
Chairman
Leon A. Williams
Thomas P. Bennett
M. A. Carr
Commissioners.