

Decision No. 21982

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

EARNEST DOZIER,

Complainant,

vs.

CALIFORNIA WATER SERVICE COMPANY,

Defendant.

ORIGINAL

Case No. 2767.

Roscoe J. Anderson, for Complainant.

McCutchen, Olney, Mannon & Greene,
by Carl I. Wheat, for Defendant.

BY THE COMMISSION:

O P I N I O N

Complainant herein seeks adjustment of a bill for water amounting to \$32.25, which he alleges is an unjust charge by defendant, California Water Service Company, for service to his hospital at Redding. He alleges that he refused to pay the bill because the service rendered was inadequate; that the pressure was insufficient for a part of each day at least; that the installation of a "booster" pump caused noisy vibrations in the water pipes and made them leak at the joints; that there was no pressure adequate to protect his buildings from fire and to force the water to the faucets on the second floor of said hospital; that, as the result of such alleged inferior service, he was required to expend \$3,000. in digging wells and installing equipment to provide adequate supply and pressure and to main-

tain fire protection. He asks the return to him of the amount of the bill, or a portion thereof, the said amount having been deposited with this Commission in Informal Complaint No. 024-3891 on August 7, 1928.

Defendant denies all the material allegations of the complaint and alleges that its service for the period covered by the bill was adequate and that it had expended \$3,000. in installing a "booster" pump, new mains, etc., primarily to meet and satisfy the particular needs of complainant and, generally, for other consumers similarly situated.

Upon the issues thus raised a public hearing herein was conducted by Examiner Williams at Redding.

From the record herein, it appears that complainant has been a consumer of defendant water company and its predecessors for many years at his premises at No. 1313 Placer Street where he conducts a hospital in a large two-story building. The site of the hospital is on a hill in a section of Redding which is the highest part of the utility service area. Although the service connection supplying this property for several years last past has been metered, complainant has not been charged under the measured rates until in the month of February, 1928, but has been billed and has paid the regularly established flat rate charge of \$2.60 per month for this particular property. When defendant herein succeeded to ownership of this water works in 1927, it found that complainant was charged only upon said flat rate basis and continued such charge until February 18, 1928, at which time its new "booster" plant was placed in service and he was thereafter billed under the meter rates. From that time until June 19, 1928, at which time complainant commenced using his own private, well water supply, he used water as follows:

February 18 to March 21, 1928-----	\$ 6.50
March 21 to April 19, 1928-----	4.85
April 19 to May 18, 1928-----	11.80
May 18 to June 19, 1928-----	<u>9.10</u>

\$32.25

Bills for such amounts were presented and complainant refused payment. On July 27, 1928, defendant gave notice that, unless such bills were paid within 15 days, service would be discontinued. Thereupon complainant deposited with this Commission \$32.25 as a disputed bill under the rules established in Case No. 685, Decision No. 2789.

There is no serious objection on the part of complainant to the metered service nor complaint about the accuracy of the quantities set out in the bills rendered. The objection arises, however, from the claim that the water actually supplied and used was at such low pressure and available only in such irregular and intermittent intervals as to be of no real value for the purposes for which the water was required, especially each night when the "booster" plant was cut out of service. Prior to the installation of the "booster" plant, the service to the hospital admittedly was very unsatisfactory and it was mainly for this reason that the flat rate was continued in effect although practically all other services throughout the water system were metered. From the testimony of Edward Steinhauer, the manager of defendant's Redding water works, it appears that, in order to correct this poor service condition, the company installed a "booster" pumping plant and replaced the pipe lines with 6-inch and 4-inch pipe at a cost of approximately \$3,000. Complainant received this new service on February 18, 1928. He testified that the pressure was so great that it created serious and annoying water hammer in the house pipes and made the joints

and connections leak. Charles T. Dozier, a brother of complainant living in the adjoining house, gave similar testimony. This excessive pressure was relieved upon complaint to the utility by reducing it from 56 to 30 pounds, which, apparently, practically eliminated this cause of annoyance.

A further complaint is that the "booster" pressure was maintained only from 6:00 A.M. to 9:00 P.M. and that during the remaining period of twenty-four hours, the static pressure was insufficient to elevate water to the second floor of the hospital and home with the result that the hot water supply necessary to sterilize surgical instruments and for other medical purposes could not be maintained.

At the beginning and at the end of the hearing, defendant moved the dismissal of the complaint upon the ground of non-jurisdiction of the subject matter. The motion was properly denied.

In view of the fact that complainant is no longer dependent upon this company for his principal water supply and now and ever since June 19, 1928, has not availed himself of this service except incidentally as a standby primarily for fire protection requirements only, it will be unnecessary to discuss the question of present, general operating methods of the utility, bacteriological control, et cetera. The testimony shows that other water users supplied through this particular "booster" line apparently are satisfied with the service.

Complainant's contention is that, because his service was not available at all times during each twenty-four hours at the pressure which his special requirements demanded, his bills should be proportionately reduced. The evidence presented in this

connection is wholly insufficient to sustain this claim. The utility undoubtedly has made a reasonable and sincere effort to provide improved service to this hospital and has spent a considerable sum of money in so doing. As the water supplied was actually used and charged under the proper schedule of rates applicable to this particular class of service, it is evident that the company is properly entitled to payment therefor as billed. The amount deposited with the Commission covering this disputed service will be paid to the account of defendant and the matter dismissed.

O R D E R

Complaint having been made as above entitled, a public hearing having been held thereon, the matter having been submitted and the Commission being now fully advised in the premises,

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

Dated at San Francisco, California, this 3rd day of January, 1930.

Wm. D. Lott
Chas. E. Seaman
Frank W. Smith
Leon A. Whiteley
W. J. Lane
 Commissioners.