

Decision No. 23594.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

BOARD OF TRUSTEES OF THE CITY
OF POINT ARENA.
Ed Predetti, Mayor.
C. F. O'Brien
C. L. Kendell
M. J. Pellascio
C. J. Buchanan

Complainants

vs.

W. S. MEYERS

Defendant

ORIGINAL

Case No. 2978.

J. C. Hurley, for Complainants.
J. W. Kingren, for Defendant.

BY THE COMMISSION:

O P I N I O N

In this proceeding, the Board of Trustees of the City of Point Arena has brought a complaint against W. S. Meyers who owns and operates the public utility water system known as the Point Arena Water Works. The complaint as filed herein alleges that the existing water supply of this system is obtained from springs and is not sufficient in volume to provide the necessary and proper domestic service required by the consumers; that the pipe lines have been in the ground over thirty years and are badly deteriorated and in need of repairs or replacement; and that, as a result of the general inadequacy of the entire system, the town has been without water a number of times during the past few months. Wherefore complainant requests that W. S. Meyers be ordered to make

such necessary improvements to his water works as will remedy the conditions complained of.

In his amended answer to the above complaint, the Defendant, W. S. Meyers, denies generally all of the essential allegations therein and in addition thereto alleges that any shortage in the water supply which has been furnished the consumers in Point Arena has been due to the lack of sufficient annual rainfall to replenish the springs and not to any defects in the water system. Furthermore, said Defendant contends that it is a physical impossibility for him to create a new or any additional supply of water for the town.

A public hearing in this proceeding was held at Point Arena before Examiner Williams.

The water supply for this utility is developed from several small springs located on a ranch owned by Defendant and is delivered by gravity through about 3/4 of a mile of 4"x4" wooden flume to a 40,000-gallon wooden storage tank. From thence the water is distributed to the consumers by gravity through approximately 3,500 feet of pipe mains ranging from 3 inches to 3/4 inch diameter. Over 2,000 feet of these distribution pipe mains are smaller than 2 inches resulting in insufficient main capacity. A separate supply of water is obtained from Curley Spring, located on an adjoining ranch, and is used to serve eight consumers living on a high knoll above the main section of town. For the use of water from the Curley Spring Defendant pays the owner thereof a rental of \$5.00 per month. This water is delivered from the Spring by gravity into an 800-gallon elevated tank and from thence to the consumers through a pipe line and main 1 1/2 inches in diameter and approximately 3,000 feet in length. At present Defendant furnishes water to a total of sixty-five consumers in the town, all on a flat rate basis.

The testimony of a large number of consumers submitted at the hearing shows that for several years last past the water service provided by Defendant to the town has been very poor and wholly inadequate and especially insufficient during the late summer and fall months when, as a general rule, there were frequent periods when deliveries were intermittent and interrupted during hours of daily peak demand. In August, 1930, the unsatisfactory water conditions became so serious that the Board of Trustees of the City of Point Arena filed an informal complaint with the Commission (File I.C. 42570) asking that relief be obtained for the consumers. The field investigation then made by the Hydraulic Division of the Commission and introduced in this proceeding as evidence disclosed that the total flow of the springs on August 22, 1930, was 8,600 gallons per day, an amount wholly insufficient to supply the consumers' demands and not enough water to fill the storage tanks. As a matter of fact, this flow of water is less than ten per cent of the water necessary for reasonable and proper service to provide for necessary sanitation and to protect the health of the community against the possible outbreak of epidemics. The evidence shows that the serious shortage of rainfall this winter and spring undoubtedly will result in considerably less water being produced by the springs this summer than during 1930.

Defendant admits the inadequacy of both the source of water supply and the water mains but claims that he is unable to obtain additional water and that, under such circumstances, there is no necessity in increasing storage facilities and the size of the pipe lines. However, the evidence clearly indicates that Defendant Meyers has never made any serious or extended effort either to acquire additional water or to improve his water plant. Practically nothing

in the way of systematic repair or enlargement has been done on this system by Defendant for a great number of years last past, in spite of the steady and increased demand for water occasioned by the yearly growth of the town. The evidence presented indicates that additional water may be obtained at a reasonable cost from other springs in the general vicinity and undoubtedly may be obtained in adequate quantities by the drilling of a deep well.

Defendant should understand that one of the obligations incurred by operation of the law in conducting a public utility supplying water to members of the public, is to provide and render an adequate and proper service and that, in the event existing facilities do not so provide, reasonable and serious efforts must be made by the owners or operators thereof to obtain sufficient water and to so improve the plant and equipment that a satisfactory service may be rendered. Defendant contends that present rates are non-compensatory and that further expenditures for improvements are, therefore, unreasonable and unjustified. However, the possibility of an increased investment is no proper excuse for the continuation of poor and unsatisfactory service. In the event the costs of providing an adequate water service for the consumers in Point Arena should so increase the capital investment by Defendant in used and useful properties that existing rates no longer yield an adequate or proper revenue, Defendant has a remedy before this Commission which may be invoked by the filing of an application for a readjustment of the existing rate structure. Consumers have indicated that they are ready and willing to pay a fair and reasonable price for a proper water supply at any time.

In the following order defendant will be directed to obtain additional water in adequate quantities to meet the demands of his consumers and, furthermore, will be required to improve distribution facilities by the replacement of certain small sized pipe lines with water mains not less than two (2) inches in internal diameter. In

connection with these improvements, it is suggested that Defendant obtain the services of some person who is well versed and experienced in the development of water supplies and the construction of water works. By so doing, there is no doubt but that Defendant will save a considerable amount of delay and avoid the possibility of spending a considerable sum of money without securing beneficial results.

O R D E R

Formal complaint having been made as entitled above, a public hearing having been held thereon, the matter having been submitted, and the Commission being now fully informed thereon,

IT IS HEREBY ORDERED that W. S. Meyers, operating the water supply system known as Point Arena Water Works, be and he is hereby directed to file with this Commission subject to its approval, within thirty (30) days from the date of this order, detailed plans for the installation of improvements to said water works which will remedy the existing conditions of inadequate and improper service, and that, upon approval thereof by this Commission, the installation of said improvements shall proceed immediately and without unnecessary delay and be completed and in operation in a manner satisfactory to this Commission on or before June 30, 1931; said improvements shall embrace and include the following items:

- (1) Additional water shall be obtained from springs or well sources such as to enable this system to supply an adequate and proper water service to all its consumers.
- (2) Replace the present one (1) inch distribution pipe main on Mill Street with a standard screw pipe not less than two (2) inches in diameter, connecting with existing three (3) inch distribution pipe main on Main Street.
- (3) Replace the present small diameter distribution pipe main supplying certain consumers on Laurel Street with

a standard screw pipe not less than two (2) inches in diameter connecting with the existing three (3) inch distribution pipe main on Main Street.

- (4) Replace the existing pipe main on Main Street southerly from Mill Street with a standard screw pipe not less than two (2) inches in diameter.
- (5) Install at the 40,000-gallon tank a suitable by-pass pipe line with gate valves to connect the transmission line from the springs with the outlet distribution pipe line, to enable said tank to be cleaned without the necessity of shutting off water service.

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 13th day of April, 1931.

C. D. Young
Leon Whitehall
M. A. L.
M. B. Kinn
Fred G. Stewart
Commissioners.