

MEM/GEE

Decision No. 24160

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

Geo. L. Hampton, M.E. Holloway
and M. Gusta,

Complainants,

vs.

Thousand Oaks Water Company;
Isadorus Colodny and L.L. Colodny
individually; and Isadourus Colodny
and L.L. Colodny doing business
under the firm name and style of
Thousand Oaks Water Company,

Defendants.

Case No. 3092.

ORIGINAL

George L. Hampton, for Complainants.

I. Colodny, for Defendants.

BY THE COMMISSION:

O P I N I O N

This complaint was filed by consumers receiving water from the Thousand Oaks Water Company which is owned and operated by Isadorus Colodny and L.L. Colodny and serves water for domestic use in an area located in and adjacent to what is known as Thousand Oaks, Ventura County. The complaint alleges that defendants have, during the warm summer days, failed and refused to deliver adequate water service to the consumers located on the higher portions of Thousand Oaks and consequently said consumers have been wholly without water with the exception of one

or two hours for a period of three weeks, that the pumps have not been maintained in good working order or operated when they were in order, and that complainants have been compelled to haul practically all of the water which they have used during this entire period.

The answer of defendants denies substantially all the allegations and alleges that the shortage of water supply is due to adverse water conditions caused by the dry spell and the wasting of water, extravagant sprinkling and irrigation use during the summer months by complainants and other consumers, and that water pumped during this period shows an average use of 240 gallons per day for each consumer.

A public hearing in this proceeding was held at Los Angeles before Examiner Kennedy.

The water for this system is obtained from two sources, one, a deep well and, the other, a large collecting sump. It is delivered to the consumers by gravity from storage tanks located on high elevations. At present there are approximately sixty consumers and all services are metered.

The evidence shows conclusively that the service rendered has been intermittent and inadequate and that there have been many days during the year when no water at all was supplied to the users located on higher elevations and particularly to those residing north of the Ventura Highway. The large water use shown by the registration of the meters is no doubt due in part to air escaping from the empty pipe lines through the consumers' open faucets as water fills the mains. The evidence also indicates, however, that defendants are pump-

ing all the water available from existing wells and that the only possible relief is through the securing of additional water and pumping facilities.

Defendants stated that they were financially unable to drill a new well or obtain additional water due to the fact that the Thousand Oaks Water Company has no funds to make such improvements or to purchase water from an outside source. They contended that the water system has been operated at a loss and that the expenditure of additional money for improvements was and is not justified. The evidence presented in this proceeding conclusively indicates that for a number of years last past defendants have made no reasonable or sincere efforts to obtain a proper water supply for their consumers. They have willingly assumed the duties and obligations of furnishing adequate water service to the public as a public utility and, as such, are legally obligated so to do when it is reasonably possible to secure and deliver sufficient water to meet the fair and proper demands of their consumers. There is nothing in this record that shows that it is not possible for defendants to obtain additional water at a reasonable cost which the consumers could afford to make profitable through increased rates. Should the cost of acquiring a suitable water supply for this system and the distribution thereof to consumers make the existing rates insufficient to properly compensate defendants for the service rendered, they have their proper remedy before this Commission in the filing of an application for an adjustment of rates. The consumers have indicated that they are ready and willing to pay a fair and reasonable charge for their water service provided such service furnishes them with water in proper

quantities whenever reasonably necessary for their various uses. In order to provide this service, the utility necessarily must install water production and distribution facilities of sufficient capacity to supply the reasonable demands of the users.

O R D E R

Formal complaint having been filed as entitled above, 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, within sixty (60) days from the date of this Order, Thousand Oaks Water Company, a corporation owned and operated by Isidorus Colodny and L.L. Colodny in and in the vicinity of Thousand Oaks, Ventura County, shall file with this Commission, subject to its approval, plans for the installation of the following improvements to said water system, said improvements to be installed and in operation in a manner satisfactory to this Commission on or before the first day of April, 1932.

1. Plans for obtaining an additional water supply, either by the installation of a new well and pumping equipment or by the purchase of a dependable supply of water from an outside source or sources.
2. Plans for the installation of additional storage facilities, should such be necessary under Paragraph 1 just preceding.

For all other purposes, the effective date of this Or-

der shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 26th day of
October, 1931.

Leon S. Whipple

M. J. Carr

M. B. Lewis

Frederic G. Stewart

Commissioners.