

Decision No. 10666

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

PAUL BINDER, WALTER MITTMACHT
and JOHN B. BUNYARD,
Complainants,

-vs-

PORT COSTA WATER COMPANY,
a corporation,

Defendants.

Case No. 1655.

ORIGINAL

J. F. Ormsby, for Complainants

E. H. Shibley, for Defendants

BY THE COMMISSION:

O P I N I O N

In this case the complainants asked that the defendant water company be required to extend its service to their respective residences located in a real estate tract known as "The First Addition to the Bay Addition to the Town of Crockett." An answer was filed and the matter heard before Examiner Gordon at Crockett on June 22, 1922, and is now submitted for decision.

The Town of Crockett is located mainly on the hillsides adjoining Carquinez Straits. The defendant water company, in serving this community, was obliged, in order to maintain adequate pressure for service to consumers on the higher levels, to install a booster pump on its main delivery pipe line, which pumped water into several regulating tanks located on high ele-

vations. There were thus created a number of zones of delivery in the Crockett area with the service in each zone limited by the capacity of the regulating tank and distribution mains serving that particular zone. The record shows that the defendant company provided water service in the subdivisions in which the complainants' houses are located without protest until the building of residences was extended to lots on the higher elevations, and it was found that the existing plant equipment was inadequate to render proper service without some limitation as to the elevation to which additional extensions would be made. The company, therefore, in April, 1920, published a notice in the local newspaper to the effect that it would not undertake to make extensions of its mains nor to furnish water service with existing pumping facilities to any point of service located above a contour line 170 feet above mean low tide.

In a prior proceeding before this Commission, upon a complaint similar to that now under consideration (William E. Neff v. Port Costa Water Company, Case No. 1418, Decision No. 8058), the Commission approved this limitation upon the extension of service as a reasonable regulation in the interest of good service to the public dependent upon this system.

The evidence shows that the residences of complainants are on adjoining lots located in the above mentioned subdivision, on the westerly or uphill side of Virginia Street. The 170 foot contour line crosses the lower end of one of the lots, crosses the corner of the second lot, and crosses Virginia Street directly below the third lot. At the present time, these complainants are receiving their domestic supply through a small pipe, which they themselves have installed, connecting with the service pipes of another of the defendant's consumers located across the street

and below the 170 foot contour line. The defendant has not objected to this arrangement, and is willing that it be continued provided the company is not held responsible for any resultant poor service and water shortage due to lack of pressure sufficient to carry water to the point of use on complainants' lots above the 170 foot level. It was further admitted at the time of the hearing that as a practical matter the same quality of service could be furnished to complainants by individual connections with the existing mains of the company in Virginia Street in close proximity to complainants' lots. Complainants desire this direct connection with the company's mains and assert their willingness to assume the risk of the service continuing as it has been in the past.

No facts have been presented which would lead the Commission to alter its conclusion as set forth in the order of December 2, 1920, Decision No. 8058, above referred to, to the effect that the limitation of extensions to the 170 foot level is a reasonable regulation of defendant's service. No requirement, therefore, will be made at this time that the point of service from defendant's mains be extended beyond this limit. However, in view of the fact that complainants are already receiving water from the defendant's system, and are willing to continue to receive it by connection at a point within the 170 foot level and themselves piping the water to a higher elevation, the Commission believes that the company should permit a direct connection for this purpose.

ORDER

A complaint having been filed herein asking that the defendant, PORT COSTA WATER COMPANY, a public utility, be required to extend its service to the residences of complainants,

an answer having been filed, a public hearing held, and the matter submitted---

IT IS HEREBY ORDERED, that the CONTRA COSTA WATER COMPANY extend its two-inch distribution main from the termination thereof in Virginia Street, opposite Lot 3, Block 10 of the First Addition to the Bay Addition to the Town of Crockett, northwesterly along Virginia Street to the point of intersection of the westerly boundary of Virginia Street with a contour line 170 feet above mean low tide. On its two-inch main thus extended, defendant shall install at points opposite or nearest the premises of plaintiffs, a service meter and connection for the service of water to each of said plaintiffs, and thereafter supply water at the point of said connection for the use of said plaintiffs for domestic purposes. The three plaintiffs may, at their own expense, extend service pipes from said points of connection for the service of water for domestic purposes on their respective premises as described in the complaint herein.

The foregoing order shall not be deemed as a requirement that the defendant water company shall extend its service to a point above the 170 feet above sea level contour, nor as a requirement for defendant to maintain an adequate water pressure and supply water at any point above said elevation.

Dated at San Francisco, California, this 6th day of

July, 1922.

H. C. Brundage
Charles H. Kerner
J. F. Pennington
Commissioners.