

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

TOWN OF HAYWARD,
a municipal corporation,

Complainant,

vs.

SAN LORENZO WATER COMPANY,
a corporation,

Defendant.

ORIGINAL

Case No. 445.

Decision No. 2685

Frank Mitchell, Jr., for Complainant.

Pillsbury, Madison and Sutro,
for Defendant.

LOVELAND, Commissioner.

O P I N I O N

The complaint of the Town of Hayward was originally filed with this Commission on August 8, 1913, and on September 3, 1913, particular complaint was made by letter, alleging that the people of Hayward had been entirely without service. Investigation by the Hydraulic Engineer of the Commission was made immediately, and the difficulty was temporarily adjusted. By stipulation of both parties the time within which the defendant should make answer to the matters complained of was periodically set forward to July 1, 1914, from which time until April 23, 1915, the matter of this complaint was not again brought into question. On the date last mentioned the Town of Hayward, by its Town Clerk, Mr. J. D. Armstrong, requested that the complaint proceed to hearing, and pursuant to request of the Commission the Hayward Water Company, successor of the San Lorenzo Water Company, filed answer to the original complaint. The original complaint was superseded by an amended complaint filed with the Commission on June 22, 1915, and public hearing was con-

ducted in this proceeding on July 1, 1915, at the Commission's office in San Francisco, California.

The original complaint alleges in effect that the facilities and service of the San Lorenzo Water Company are inadequate, particularly in that proper fire protection is not provided, and recites that while the pressure maintained in the water pipes of the Company is at times 60 pounds, during the afternoons and evenings for months prior to June, 1913, the pressure has been 25 pounds and less. It is requested that the Commission order defendant to put in 6" mains throughout the Town of Hayward where mains of less size are at present installed, and to require that at all times there be maintained a pressure of not less than 75 pounds in the water mains, and that the reservoir of defendant be kept full of water at all times.

The answer to this complaint denies that the facilities or service used in the distribution of water by either the San Lorenzo Water Company or the Hayward Water Company have been or are inadequate. It is particularly denied that the pressure is 25 pounds or less during the afternoons and evenings, or was so during the period prior to June, 1913, and claimed that in the system there has been maintained a pressure of not less than 40 or 45 pounds. It is particularly claimed by the Company that it should not and cannot maintain its reservoir full of water at all times, and that it is impracticable and impossible to maintain in the mains of defendant a pressure at all times of 75 pounds, as such a pressure would cause the overflow of the reservoir. It is admitted that during the summer of 1913, due to excessive drought and to the breach of rules of the Company by the consumers, that there was a shortage of water in the system. It is stated that on the 12th day of July, 1913, a portion of the machinery in the pumping plant of defendant was broken, and that a fire occurred at that time, but that the defendant furnished all the water

possible and necessary for fire protection, and that since that time service and facilities have been in every way adequate and sufficient.

The amended complaint calls the attention to the Commission to the transfer of this utility property to the present owners, the Hayward Water Company, and in addition to the points raised in the original complaint calls attention to the particular need of mains of increased size along "C" and First Streets. In other particulars the original complaint is unchanged.

The Hydraulic Engineers of the Commission made investigation of the conditions obtaining at Hayward, and Mr. C. I. Rhodes, Assistant Engineer, presented a report, prepared by himself, during the hearing and testified in regard to the present facilities and the practices of the Company. In addition, Mr. H. E. Brunner and Mr. M. G. Riggs, the latter fire chief of the Town of Hayward, testified for complainant, and Mr. E. S. Warren, manager, and Mr. Geo. L. Dillman, Consulting Engineer, testified on behalf of defendant.

While the information obtainable is somewhat fragmentary and unsatisfactory, it appears, from the weight of the testimony, that the Company has not at all times maintained a pressure in its mains greater than 40 pounds, but that the pressure has a number of times fallen as low as 25 pounds at the point where the continuous record was made, a small house in the rear of 1078 "D" Street, between Main and First Streets. The report of Mr. Rhodes states that according to the charts developed by this pressure gage, the pressure from June 1 to June 18, 1915, ranged from 20 to 60 pounds. The low pressure occurring between 4 and 9 P.M.

It is further established that a number of consumers residing a considerable distance from the center of Hayward, toward the northwest, who receive service through the main along "B" Street, receive little or no water during a large part of

the day in the middle of the summer.

A tabulation of pressure measurements taken with fire apparatus in operation shows inadequate fire service under present conditions. On the day when the inspection was made, June 18, 1915, counsel and witnesses for defendant contended that the reason for such inadequacy as may now obtain is in the large use of water by the consumers, and particularly that the consumers do not observe the established rules of the Company in regard to sprinkling conditions and hours, and orders to turn off water during fires.

It is granted by representatives of both complainant and defendant that the metering of the system will in part, at least, ameliorate the present conditions, and I will recommend that the defendant be ordered to immediately proceed with the full metering of the system.

The Town of Hayward has signified its intention to pave "C" Street from Third to Sixth Streets, and is particularly desirous that the Company immediately install the 6" main for this distance. The Company make particular objection to the installation of the 6" main between Fifth and Sixth Streets, claiming that this is needed only for the installation of a fire hydrant at Sixth and "C" Streets, and that there are no consumers of this Company along this block. There is a 6" main already installed on "B" Street and from this main a 2" lateral along Sixth Street to Sixth and "C" Streets. The installation of a main to provide sufficient service for a hydrant at this point along "C" Street will benefit the Company through the increased circulation, and will also provide reasonable service for consumers who may in the future request service in this block. Less than a 4" main does not seem adequate, and a 6" main, according to the testimony, is not necessary. I will, therefore, recommend that the Company install a 6" main from "C" Street, between Third

and Fifth Streets, and a 4" main on "C" Street, between Fifth and Sixth Streets.

I recommend the following form of order:

O R D E R

The Town of Hayward having made complaint against the San Lorenzo Water Company, now succeeded by Hayward Water Company, alleging inadequate service, and a public hearing having been conducted, and the Commission being fully apprised in the premises, it is hereby found as a fact that the service and facilities of the defendant are inadequate, and that the facilities ordered to be installed by the defendant are proper and reasonable improvements, and basing this order on the foregoing findings of fact and the further findings of fact as are contained in the proceeding,

IT IS HEREBY ORDERED, that the Hayward Water Company, within sixty days, install a 6" main pipe line on "C" Street, between Third and Fifth Streets, and a 4" main pipe line on "C" Street, between Fifth and Sixth Streets, and connect these lines regularly with its system.

IT IS FURTHER ORDERED, that the Hayward Water Company proceed to install meters upon all consumers to whom it provides service, the installation of these meters to be conducted with due diligence. Meters to be installed within ninety days on all consumers who have in the past paid an average water bill of \$1.50 per month, or more.

The foregoing opinion and order are hereby approved
and ordered filed as the opinion and order of the Railroad Com-
mission of the State of California.

Dated at San Francisco, California, this 24th day
of July, 1915.

Max Thelem
Alfred G. ...
W. D. ...
Edwin O. Edgerton
Stanley ...
Commissioners.