

Decision No. 24222

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

G. W. DOW, et al.,)	
)	
vs.)	Case No. 4200
)	
LONE PINE WATER COMPANY,)	
)	
Defendant.)	

ORIGINAL

George Francis, for Complainants
 Rex B. Goodcell, Sr., for Defendant
 Ray L. Chesebro, City Attorney, by Robert
 E. Moore, Jr., for City of Los Angeles,
 Intervenor

BY THE COMMISSION:

O P I N I O N

G. W. Dow and forty-five other complainants, residents of the town of Lone Pine, Inyo County, are consumers of water from the Lone Pine Water Company, a corporation. They allege that inadequate service of domestic water and lack of fire protection have long been a source of inconvenience, discomfort and actual loss, and that defendant has refused to remedy the conditions. A number of irregularities are mentioned, such as attempting to force consumers to pay for the costs of new service connections to mains relocated in alleys, in order to permit the company to abandon mains along the State highway; insufficient pressure and volume of water to supply domestic needs to reach the second story of the Dow Hotel, or to give proper service for fire protection; the furnishing of muddy water containing gravel and foreign matter; and a failure to cope with the freeze of 1937, when the pipe lines were frozen. The Commission is asked to appoint a receiver for the Lone Pine Water Company to take over and operate its affairs until such time as a permanent program can be carried out for the rehabilitation of the entire water works and for such other relief as the Commission may deem necessary or proper to relieve the intolerable service conditions.

Defendant, by way of answer, denies generally all allegations except as follows:

The installation of water mains in the alleys parallel to the State highway is admitted as necessary to insure the distribution of water to consumers along the State highway, since the extraordinary heavy trucking traffic along this road has and would cause continuous breakage in the water main. The consumers affected by this improvement were asked to reconnect their service pipes to the new mains from the rear of their lots, at their own expense. The connection of fire hydrants to the system is admitted to be a matter of controversy with the Commissioners of the Fire District, who contend that defendant has no right to make any charges whatsoever for fire hydrant rental. The muddy water at times and the freezing of the mains are admitted, but classified as "acts of God" over which the defendant has no control, the water mains having frozen this winter for the first time since the system was first built in 1883. It is contended that everything possible under the circumstances was done to restore service as quickly as possible.

The City of Los Angeles, through its Department of Water and Power, filed a complaint as intervenor, adopting as a general statement the allegations set forth in the original complaint.

Public hearings upon the issues thus joined were held before Examiner W. R. Williams at Lone Pine.

Testimony was received at the original hearing covering in general the water supply and service conditions, whereupon all interested parties agreed to adjourn further hearing for a period of four months to allow defendant time to make certain improvements in its water system in accordance with a proposal filed with the Commission. Evidence introduced at the adjourned hearing indicates that most of the proposed improvements and certain additional work have been completed. A statement filed by the defendant outlining further new construction for immediate completion shows that the terms of the original proposal have been faithfully complied with, except that no provision has been made for the elimination of muddy water from the stream supply during times of stormy weather. Defendant has now installed all services to the new mains laid in the alleys, without cost to the consumers. The

evidence is quite conclusive that frequently the water becomes muddy and discolored and that pressure in the past very often dropped below the standard of reasonableness. The muddy and cloudy water is due to the conditions of the bed of Lone Pine Creek immediately above the intake of defendant's water supply. In this section of the stream the water passes through cut banks that wash and cave in during the rainy season. While the present facilities at the intake are sufficient to remove floating and suspended matter above the size that will pass through ordinary window screen mesh, they do not eliminate the muddy or turbid condition of the water. There appear to be two alternative methods within the limited financial resources of this small utility which will satisfactorily control the muddy water during periods of heavy rain fall without the prohibitive cost of a filtration plant and they are to provide storage of sufficient capacity to allow for sedimentation and to take care of system demands until the stream clears, or to drill a well near the town to be used as a standby during such periods.

Former low pressure conditions have been remedied by the new improvements and by eliminating dead-ended mains. However, it must be pointed out that the consumers themselves must cooperate by reducing the general waste and carelessness in the use of water which on a system operating entirely on a flat rate basis are most serious handicaps during periods of peak daily and seasonal demands. Criticism of interrupted service caused by freezing of mains during the past winter seems to be rather unfair to the utility. The protracted freeze could hardly have been anticipated since such conditions have never occurred before, during the past 53 years of operation. The damage suffered by the water company was very costly, necessitating among other things, the payment of rental to the City of Los Angeles for the use of thawing machinery which alone amounted to a substantial part of the entire year's revenue. Unquestionably service was restored as soon as possible under such circumstances. However, a large amount

of the old pipe lines and all new pipe have been placed at a depth which should be well below the frost line.

Referring to the requests for a high standard of fire protection service, the fact should not be lost sight of that this utility reported to the Railroad Commission a total investment of only \$10,000 prior to the recent installation of improvements, and that it supplies a town of but approximately 1000 in population. At present the company has not obligated itself to furnish any fire protection service other than that provided by the excess capacity of its facilities over the demands for regular domestic, commercial and industrial uses. The community has a duly organized fire district which has ample authority to enter into arrangements with this company for proper fire protection facilities upon payment of a reasonable compensation therefor, and we believe that such negotiations should be initiated without delay for the benefit and safety of the public involved.

A review of the evidence indicates that the matters complained of herein have been reasonably satisfied with the exception of controlling the high turbidity of the water. It appears that defendant company should be directed to take steps immediately to eliminate the dissatisfaction arising from this source.

O R D E R

Complaint having been filed with the Railroad Commission as entitled above, public hearings having been held thereon, the matter having been duly submitted, and the Commission being now fully advised in the premises, and

Basing this order upon the findings of fact and the further statements of fact contained in the preceding Opinion,

IT IS HEREBY ORDERED that within thirty (30) days from and after the date of this Order, Lone Pine Water Company, a corporation, be and it is hereby directed to file with this Commission plans and specifications for the improvement of its water system to eliminate muddy and discolored water, either by means of storage and settling facilities, by the installation of a well and pumping equip -

ment, or by any other practicable and acceptable method, and that upon the approval of such plans by the Railroad Commission, Lone Pine Water Company shall proceed immediately with the construction thereof, said improvements to be completed and in proper working order not later than the first day of April, 1938.

The effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated, San Francisco, California, November 8th, 1937.

Walter H. ...
John A. ...
Robert ...
W. H. ...
Commissioners