

Decision No. 24455

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

Investigation upon the Commission's  
own motion into the operations of  
E. G. THOMPSON, operating under the  
fictitious firm name and style of  
Ben Lomond Redwood Park Water Co.

Case No. 4502

Investigation upon the Commission's  
own motion into the operations of  
PUBLIC UTILITIES CALIFORNIA CORPOR-  
ATION, a corporation, to determine  
whether it should be directed to  
enlarge its service area.

Case No. 4503

Herman Weinberger, for E. G. Thompson, operating  
under the fictitious firm name  
and style of Ben Lomond Redwood  
Park Water Co.

Orrick, Dahlquist, Neff and Herrington, by Justin M.  
Jacobs for Public Utilities  
California Corporation.

Bert B. Snyder, for Rose K. Ives.

Mrs. C. B. Wilder, for the Earl-Alderson-Hynes  
Water Service, also called  
Mt. Springs Water Service.

BAKER, COMMISSIONER:

O P I N I O N

E. G. Thompson is the owner of a public utility water system  
supplying water for domestic purposes to the residents of Ben Lomond  
Redwood Park, a subdivision adjoining the unincorporated Town of Ben  
Lomond in the County of Santa Cruz.

Public Utilities California Corporation operates a number of  
public utility water, electric, and telephone plants in Northern  
California, one of which is a waterworks in the San Lorenzo River  
Valley supplying a territory extending on the north from the community

know as Wildwood, including the towns of Boulder Creek, Brookdale, and Ben Lomond, to Brackney on the south, being adjacent to the town of Felton. This utility corporation supplies water to about 1,450 consumers while the Thompson system has approximately 90 water users.

Several informal complaints were made to the Railroad Commission in February of 1940 to the effect that there was no water service available throughout a large portion of Ben Lomond Redwood Park. By the second and third weeks of the following month of March, the Commission received a number of letters, telephone calls and telegrams claiming that there was no water service in Ben Lomond Redwood Park, that the owner of the water company, E. G. Thompson, could not be found and that many of the homeowners were forced to leave because of the breakdown of the water system. Demand was made upon the Commission to require that said E. G. Thompson repair his pipe lines immediately and resume water service without further delay. Unfortunately, however, all attempts to locate said Thompson failed and it thereupon became necessary for the Commission to arrange for someone to take charge of the situation during the emergency and get water to the people. Through the co-operation of Floyd J. Keys, General Manager and Vice-President of the Public Utilities California Corporation, his company authorized and assumed the responsibility for the costs incurred by Mr. Earl Lyon, a plumbing supply contractor and Chief of the Ben Lomond Fire District, who was selected by the Commission to make the emergency repairs necessary to provide water for the residents of the Park. As these measures were but temporary, and as it became increasingly necessary to have someone in responsible control of the operations of the waterworks serving Ben Lomond Redwood Park, the Commission instituted the above entitled investigations upon its own motion.

Case No. 4502 is an order instituting an investigation in which it is set forth in part that:

"It appearing that E. G. Thompson\*\*\*\*\*has failed in his public duty to provide regular, uninterrupted and adequate water service, wherefore

IT IS HEREBY ORDERED that an investigation be and hereby is instituted on the Commission's own motion to determine whether said respondent E.G.Thompson has in any respect knowingly and wilfully failed to render regular, uninterrupted and adequate water service, and

IT IS HEREBY FURTHER ORDERED that said respondent E. G. Thompson appear at a hearing before the Railroad Commission, as hereinafter designated and provided, to show cause why he should not be deprived of any and all rights he may have to operate a public utility water system in that area known as Ben Lomond Redwood Park, County of Santa Cruz, California, and why the Commission should not authorize or direct any other public utility water company furnishing service in contiguous areas to render public utility water service within said Ben Lomond Redwood Park area."

In order to broaden the scope of this investigation to insure the determination of a proper and sufficient remedy from issues properly before it, the Commission also instituted an investigation upon its own motion (Case No. 4503)

"into the public utility water operations of the Public Utilities California Corporation, a corporation, in and about the City of Ben Lomond, County of Santa Cruz, California, to determine whether public convenience and necessity require that Public Utilities California Corporation be directed to extend the area of its water service to include residences within that subdivision known as Ben Lomond Redwood Park, and \*\*\*\*\*."

Public hearings in these two proceedings were held in Ben Lomond at which it was ordered that both cases be combined for the taking of evidence and for decision.

The water properties supplying Ben Lomond Redwood Park were acquired from the Estate of Edgar Bishop by E. G. Thompson through authority issued by this Commission in its Decision No. 28430, dated December 9, 1935. This decision, among other things, directed the

installation of certain improvements including a stand-by cross-connection with the water system of the Public Utilities California Corporation and established a substantially increased schedule of rates to provide for the contemplated extra operating expenses. The record shows that the cross-connection was never made but that additional storage facilities were actually installed.

Ben Lomond Redwood Park is essentially a summer resort and holiday recreational area, there being less than a dozen permanent, or year-around residents. The testimony of the water users in the Park conclusively shows that for several years last past E.G. Thompson has paid but scant attention to his water business, practically allowing the system to run itself during the greater part of the time. There have been frequent and innumerable shortages of water supply during each summer and fall and serious interruptions to service throughout each year, resulting in many residents of the Park installing their own individual storage tanks to provide water for cooking and sanitary purposes when water service is off. This neglect of the system is particularly aggravating to consumers during the periods of the year outside of the regular summer season because most of the residents of the Park visit their homes quite often during weekends and holidays throughout the entire year. The Easter school vacation is one of the most popular of all and usually sees a large influx of Park residents with their guests and children.

January, February, and March of 1940 were characterized by heavy rainfall in the Santa Cruz Mountains and during the latter two months there occurred exceptionally violent storms in the Ben Lomond area which filled up the Park water supply intake facilities, clogged up pipes with debris and broke transmission lines by washouts and

fallen timber. No effort was made to repair this damage and provide resumption of water service. The owner was nowhere to be found, having, to all outward appearances, abandoned the system. The most exasperating annoyance to the Park residents was caused by the lack of water service during the Easter vacation which forced a large number of consumers with their families and invited guests to return to their permanent homes and prevented many others from coming to the Park at all.

It was the deplorable inconvenience to the public and the utter failure on the part of E. G. Thompson to observe the public utility duties and obligations owing his consumers that forced this Commission to take drastic action to provide temporary water service in the Park and now makes mandatory the adoption of stern measures to insure that such inexcusable neglect will not occur again in the future.

The consumers' most glaring grievance against respondent Thompson arises from his disdainful attitude of indifference and unconcern over the discomfort, annoying inconvenience and, at times, unspeakable embarrassment suffered by vacationing families and their guests when water has been entirely off for long periods of time. The unbearable living conditions have been directly attributable to Thompson's refusal to make obvious and timely repairs which would have prevented subsequent serious service interruptions; also to his wilful neglect in deliberately leaving no one in responsible charge of the water plant during his frequent and prolonged absences; and finally, but of utmost importance, to his studied and continued avoidance of his duty to provide the stand-by connection with the water system of Public Utilities California Corporation. The record conclusively shows that the proper installation and use of this connection as

heretofore directed by this Commission would have practically eliminated the collapse of water service during the early months of 1940 and would have prevented altogether the previous water shortages in former years. The evidence shows that neither expensive capital outlay nor costly methods of operation need be adopted to provide proper service throughout this Park system. A sincere and earnest effort to maintain all intakes free from debris, keep a capable operator on duty at all reasonable times, and the installation of the cross-connection with appurtenant booster equipment, should render unnecessary the otherwise extreme measures now within the purview of this Commission.

The testimony shows that at the most convenient and practical location for a cross-connection, the Public Utilities California Corporation has in place nothing larger than a two-inch pipe line. It is, however, but a short reach from the present end of this Company's large diameter transmission main to the point selected as most feasible for the proposed connection, and as this stand-by type of service will require far greater pipe line capacity than now is available at this place, the said corporation will be directed to make, at its own expense, the necessary transmission main extension and installation of proper outlet fittings. E. G. Thompson will be required to install a connecting line of not less than three inches internal diameter, together with a booster pump capable of properly elevating an adequate volume of water from said connecting line into his upper service zone.

With the above measures properly taken care of, it appears that no further action is required at this time.

The following form of Order is recommended:

O R D E R

The Commission on its own motion having instituted investigation into the operations of E. G. Thompson and Public Utilities California Corporation, as above entitled, public hearings having been held thereon, the matter having been duly submitted and the Commission being now fully advised in the premises, and good cause therefor appearing,

IT IS HEREBY ORDERED that Public Utilities California Corporation be and it is hereby directed to make stand-by water service available to E. G. Thompson, operating under the fictitious firm name and style of Ben Lomond Redwood Park Water Co., by installing a water main not less than four (4) inches internal diameter from the present terminus of its transmission main at the side of State Highway No.9 between Lorenzo Avenue and San Lorenzo Drive, extending southerly along the said highway to approximately the location of a concrete culvert under the said state highway near its intersection with Woodland Drive in Block "G" of Rowardennan Hotel and Riverside Subdivision south of the Town of Ben Lomond in Santa Cruz County, said water main to be constructed and in proper operating condition on or before the first day of October, 1941.

IT IS HEREBY FURTHER ORDERED that E. G. Thompson, operating under the fictitious firm name and style of Ben Lomond Redwood Park Water Co. be and he is hereby ordered to install an interconnecting water main of not less than three (3) inches internal diameter with and from the transmission main to be installed by Public Utilities California Corporation as ordered in the preceding paragraph, to a sump or tank, at or near which said E. G. Thompson shall install a suitable booster pumping plant capable of delivering an adequate supply of water in suitable volume throughout the area now served by his

water system; provided, however, that the capacity, type, method of installation and location of the entire booster pumping unit be first approved by the Railroad Commission; and provided further that said interconnecting three-inch water main together with the said booster pumping plant shall be installed and in proper working order in a manner satisfactory to the Railroad Commission, on or before the first day of October, 1941.

IT IS HEREBY FURTHER ORDERED that within thirty days from the date of this Order E. G. Thompson shall establish and thereafter maintain either within his service area or at a convenient location in the business district of Ben Lomond, an office with a telephone available upon the premises and where someone will be available throughout the day and at reasonable times during the evenings, and who will have authority to receive consumer complaints and to take prompt action to remedy service interruptions during periods of emergency. Within thirty (30) days from the date of this Order said E. G. Thompson shall give due notice, in writing, to all his consumers of the establishment of this office, its location, and the party in charge thereof.

IT IS HEREBY FURTHER ORDERED that within thirty (30) days from the date of this Order E. G. Thompson shall employ a capable plant operator to whom shall be delegated full authority and responsibility to manage, operate, and maintain his waterworks in Ben Lomond Redwood Park during all times that said E. G. Thompson is absent from the community or not otherwise available to run said plant, and on or before said date E. G. Thompson shall notify this Commission, in writing, of the name and address of the person so employed.

IT IS HEREBY FURTHER ORDERED that the Railroad Commission hereby reserves the right to make such other and further order or



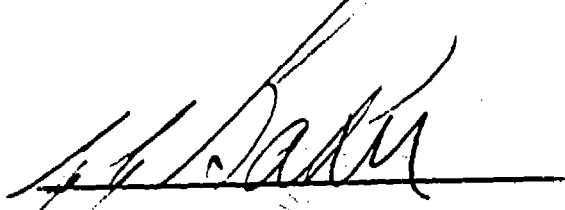
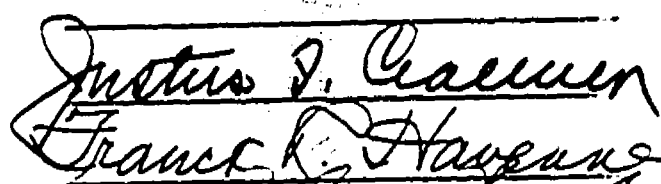
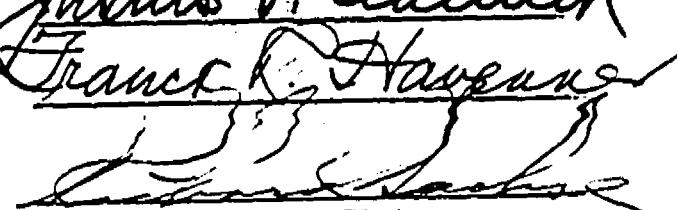
orders in connection with each of these two proceedings as may appear to be reasonably necessary and proper in the public interest in the exercise of its jurisdiction.

For all other purposes the effective date of this Order shall be 20 days from and after the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 29<sup>th</sup> day of

July, 1941.

  
  
  
COMMISSIONERS.