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Decision No. 37001

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

DORIS SCHNABEL LOWELL, VICTOR MARENGO,  
CORA BURRELL, FRED ROEBER and  
M. E. FENTON,

Petitioners,

-vs-

PUBLIC UTILITIES CALIFORNIA  
CORPORATION,

Defendant.

ORIGINAL

Case No. 4634

H. S. Henion, for Complainants.

Orrick, Dahlquist, Neff & Herrington  
by George H. Johnston, for Defendant.

BY THE COMMISSION:

O P I N I O N

The complainants in this proceeding, Doris Schnable Lowell, Victor Marengo, Cora Burrell, Fred Roeber and M. E. Fenton, are property owners in the Town of Rio Nido in Sonoma County and allege that for many years last past, Public Utilities California Corporation, a corporation,<sup>(1)</sup> has been delivering water to them through a common meter, that all requests for individual water service have been denied, and that said corporation continues to deny complainants' demands for necessary, reasonable and non-discriminatory water service. Request is made that defendant corporation be ordered to provide water service and maintain same to each individual complainant throughout the year.

Defendant's answer admits that it maintains a water distribution system in the Town of Rio Nido and alleges that it has supplied water to complainant Victor Marengo but denies, however, that it supplies water to all of the residents of the Town of Rio Nido, or that it has ever supplied water to complainants Doris

1) Hereinafter referred to as the Corporation.

Schnabel Lowell, Cora Burrell, Fred Roeber, or M. E. Fenton. A dismissal of the complaint is asked by defendant.

The Public Utilities California Corporation acquired its water system in Sonoma County from the former Russian River Water Company, the transfer being authorized by the Railroad Commission in its Decision No. 20243, dated September 21, 1928. Other than to list the names of the towns of Monte Rio, Guerneville and Rio Nido in said decision, the boundaries of the areas to be served have never been specifically established by this Commission.

The premises to which complainants request direct water service to be furnished are located on a hillside in that section of the Town of Rio Nido which is known as Eagle Nest Subdivision, Canyon 7. To increase the water storage capacity in that vicinity, the corporation maintains a 5,000-gallon tank located in said subdivision below the road upon which practically all of the premises of complainants front.

Victor Marengo applied to the corporation for water service to his property in or about 1929 or 1930. His request was denied. He was permitted, however, to receive water from the 5,000-gallon storage tank and deliver it by booster pump to a smaller storage tank situated on the rear of his residence. The equipment and piping were not furnished by said corporation. Thereafter other homes were constructed on adjoining parcels of land and water service was obtained from said Victor Marengo's pipe line. Mr. Marengo was billed by defendant corporation and the various consumers reimbursed him for their respective shares of water use and expense. These arrangements have not proved satisfactory, especially as the booster pump is manually operated and during absences of said Victor Marengo from time to time, the plant has no one in responsible charge.

The evidence shows that defendant supplies many other sections of Rio Nido located at considerably higher elevations and has made no similar demands that the consumers operate all or a portion of the pumps, storage tanks and

pipe lines providing service. The particular district in which complainants reside in no respect differs from much of the other sections of Rio Nido supplied directly by defendant. There can be no question but that complainants' premises are reasonably within the corporation's service area and are therefore entitled to direct and individual water service without the presently existing unfair discrimination against them. Victor Marengo and the other owners of various pipe lines, pumps, tanks and facilities used for supplying this section of the said subdivision, together with tank sites, will be turned over to the corporation immediately upon request, without charge.

Under these circumstances there appears no valid reason why defendant corporation should not be required to supply proper water service to complainants without further delay and unfair discrimination, and it will be so provided in the following Order.

O R D E R

Complaint as above entitled having been filed, a public hearing having been held and the matter submitted, and basing its Order upon the findings of fact and conclusions contained in the preceding Opinion;

IT IS HEREBY ORDERED that Public Utilities California Corporation, a corporation, be and it is hereby ordered to extend individual water service to each of the complainants herein on or before the first day of June, 1944, in Eagle Nest Subdivision, Canyon 7, Rio Nido, County of Sonoma,

IT IS HEREBY FURTHER ORDERED that on or before the fifth day of June, 1944, Public Utilities California Corporation be and it is hereby ordered to notify this Commission in writing of the date said corporation has fully complied with the provisions set forth in the foregoing paragraph of this Order.

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

Dated at San Francisco, California, this 18<sup>th</sup> day  
of April, 1944.

Richard Lachar

Francis R. Havens

George Powell

Arthur W. Owen

Commissioners.