

ORIGINAL

Decision No. 40177

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

H. W. Reinhart, J. P. Jensen, J. F. Jorgensen,
 Sarah Banfield, Frank Malone, G. Bonfante,
 Anna Sniels, Merle Bonesio, Chas. Walcher,
 Juanite Hulbert, B. L. Edison, Lillian Howes,
 et al,
 Complainants,
 vs.
 Eli H. Wiel, operating under the name and
 style of the San Martin Water Works,
 Defendants.

Case No. 4859.

M. C. Barrow, for Complainants.

Eli H. Wiel, for Defendant.

O P I N I O N

H. W. Reinhart and 28 other consumers served by a public utility water system owned by Elsa R. Wiel, and operated under the name and style of San Martin Water Works, in Santa Clara County, ask the Commission to order the owner of this waterworks to improve the water service to the consumers in the Town of San Martin, in Santa Clara County. Complainants allege that the present pipe lines are old and clogged with rust and silt and do not have sufficient capacity to provide for the sanitary, household, or lawn and garden requirements of the water users. It is further alleged that each summer for several years last past the water supply has been wholly insufficient and that during the past summer, because of the growth of the town, service on numerous occasions has failed entirely.

In the answer filed in this proceeding, Elsa R. Wiel, the owner of the San Martin Water Works, concedes the inadequacy of the water service and alleges that she is ready and willing to make the necessary improvements to insure adequate service and will do so if this Public Utilities Commission will grant a rate which

will provide a fair net return on the investment.

A public hearing in this proceeding was held in San Martin before Examiner MacKall.

This water system was installed in 1894 by C. H. Phillips for the purpose of furnishing water to that portion of the townsite of San Martin, lying easterly of the Southern Pacific Railroad. The water supply was and still is obtained from a spring in the foothills about $3\frac{1}{2}$ miles east of San Martin on the 3,300-acre Ramelli Ranch, purchased in April of 1946 by Mr. Eli Wiel. Title to the water system was transferred by Mr. Wiel to Elsa R. Wiel, his wife, by authority of this Commission in its Decision No. 32249, dated April 9, 1946. Water from the spring is stored in a 19,000-gallon concrete reservoir on the ranch property, two hundred feet in elevation above the townsite. The water is transmitted to the town through 12,000 feet of 2-inch S.S. black iron pipe.

The distribution system consists of 6,200 feet of 2-inch S.S. pipe. There are 71 services all metered. The present capital investment in the water system is estimated by the owners to be \$11,465. The revenues for the period from March 31, to December 31, 1946, are reported to be \$1,030, and the operating expenses for the same period are reported as \$1,106.

Several consumers testified at the hearing that during the summer of 1946 there was no water available for drinking or household use most of the time. The testimony further indicated that water heaters could not be used for lack of water, and that the impossibility of flushing toilets endangered the health and welfare of the entire community. The testimony conclusively showed that this inadequate service has existed on the system each summer for many years.

Mr. Eli Wiel, in behalf of Elsa R. Wiel, agreed to improve the service and proposed to drill a well on land known to be water-bearing, located near San Martin. This well could be drilled and equipped with an electrically-driven deep-well pump, and water delivered under an automatically-controlled pressure tank, at a cost estimated to be \$6,000. The owner is willing to make this installation. Certain consumers living in the upper section of the town near the ranch could still be served from the spring.

D. L. Duncan, one of the Commission's hydraulic engineers, testified that the present 2-inch transmission main is wholly inadequate and that an additional water supply must be provided immediately. He testified further that as a result of his investigation, he recommended the drilling of a well and the installation of the pumping plant and other necessary equipment as the most economical as well as the quickest method of providing an adequate water supply to the community.

The consumers readily accepted the proposal for the well and also stated their willingness to pay a fair rate for water service to be established by the Commission as soon as the new facilities were placed in operation. Mr. Barrow, representing the consumers, stated that the community did not hold the present owner of this system responsible for the many preceding years of intolerable water service, but did feel that Mrs. Wiel should now take whatever steps may reasonably be required to improve the water system.

Inasmuch as Mrs. Wiel not only is willing to install the necessary improvements and is well able financially so to do and in view of the mutual agreement

between consumers and the owner of the system, the latter will be directed to install the proposed improvements at the earliest possible date and is hereby requested to file an application for the establishment of a new schedule of rates as soon as the necessary information can be obtained on the cost of installation and operation of the new well, pumping plant and other facilities. No further order is required to direct the filing of such application.

O R D E R

Complaint as above entitled having been filed with the Public Utilities Commission, a public hearing having been held, the matter having been duly submitted and the Commission now being fully advised in the premises,

IT IS HEREBY ORDERED that, within thirty (30) days from the date of this Order, Elsa R. Wiol, operating a public utility waterworks at San Martin, Santa Clara County, under the fictitious firm name and style of San Martin Water Works, shall make the necessary arrangements to provide an adequate water supply and furnish proper water service to her consumers through the drilling of a well and the installation of a pumping plant and other necessary and appurtenant facilities, in accordance with the proposal outlined in the Opinion above, said improvements to be installed and placed in operation at the earliest date possible.

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

Dated at San Francisco California, this 15th day of April 1947.

James H. Hule
Justice J. Gallivan
W. H. Powell
A. F. ...
... Patterson
 Commissioners.