

Decision No. 41187

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Alan Croft Blanchard and
Kathleen Y. Blanchard, (wife),
Complainants,

vs.

James Downey, doing business as
THE INVERNESS PARK WATER COMPANY,
Defendant.

Case No. 4894

ORIGINAL

Alan Croft Blanchard, for Complainants.

James J. Downey, for Inverness Park Water Company.

W. C. Koenig, for Inverness Park Improvement Club.

O P I N I O N

Alan Croft Blanchard and Kathleen Y. Blanchard, his wife, have filed a formal complaint against the Inverness Park Water Company, a public utility, operating in Inverness Park, located at the head of Tomales Bay in Marin County. As consumers, complainants allege that the water service furnished by the company is inadequate and frequently interrupted, resulting in great inconvenience; that the poor service has depreciated the value of their property; and, is a hazard to their health and the health of their livestock as well as creating a serious fire hazard. Complainants further allege that when the water pressure is low, and following the times when the water has been off altogether, a muddy condition develops in the water and it becomes filled with silt to the point where it is unpalatable and at times cannot be used even for washing purposes.

The company did not file an answer to the complaint.

A public hearing in this matter was held in Point Reyes Station, Marin County, before Examiner MacKall.

The Inverness Park Water Company originally was installed many years ago by persons unknown and thereafter acquired by E. S. Grannucci through authority granted in Decision No. 6106, dated February 13, 1919. The system was purchased by H. S. Porter and James J. Downey as copartners, authorized by Decision No. 37393, issued October 10, 1944. Defendant James J. Downey bought the Porter interest in this system by authority of Decision No. 39903, dated January 28, 1947.

The principal water supply for this system is obtained from a series of springs located above the tract. Water is conveyed by gravity through approximately 3,000 feet of 1½ and 2 inch pipe into a 30,000-gallon redwood storage tank. A supplementary source of supply is obtained from a small stream tributary to Lime Kiln Gulch Creek. The water from this creek is collected in a small catch basin, delivered to a 2,000-gallon wooden tank and then pumped into the main storage tank. These two supplies were augmented this past summer by pumping water directly from Lime Kiln Gulch Creek, more commonly called Fish Hatchery Creek. Distribution is by gravity through approximately 7,500 feet of mains, varying from 1/2 to 2 inches in diameter. There are 65 customers now being served all on a flat rate basis.

Mr. Blanchard testified that he has been residing in Inverness Park since July, 1946, and that the water has been off at least once every two weeks during most of the time or very muddy and not usable for household purposes. During the month of May, according to records kept by the witness up to May 18th, the water was off practically every day. He also stated that he had inspected the upper springs and estimated that 50 per cent of the available water was lost as shown by the abundance of water flowing in the ravine below the springs. According to the testimony of both complainants, and corroborating testimony of other witnesses, defendant has no local representative in this area or even at Point Reyes Station where he also operates a water system. There is no company office in this area, the nearest being at Penn Grove in Sonoma County where no representative nor telephone service is available most of the time.

Mr. Arnold Prucha, Sanitary Engineer for Marin County Health Department, testified that on July 13, 1947, water samples were taken from the supplementary source of supply and from Lime Kiln Gulch Creek. The water from both sources was found to be polluted. Use of this water thereafter was discontinued.

Mr. Downey testified that the lack of water caused the service interruptions; that there had been a most serious and subnormal rainfall, reducing spring yields and stream runoff. He stated further that his revenues were insufficient to provide proper repairs and that the flat rate service made it impossible to control waste of water. Defendant testified further that his measurements showed that the springs now produce only 57 per cent of their former flow. He installed a pump in Lime Kiln Gulch Creek to pick up some additional water. Mr. Downey claimed that his operations for the year 1947 would result in an out-of-pocket loss of not less than \$800.

The evidence shows that a great amount of distress has been suffered by the consumers on this system which, to a large extent, could have been avoided and relieved if defendant had made any serious efforts to clean out the main springs and de-silt the transmission mains. The leaking main tank and certain connections and mains have been neglected. No reasonable attempt has been made to have available a representative either for the Inverness Park System or for the adjoining Point Reyes Water System, both operated by defendant, with whom complaints could be registered and who could make emergency repairs without delay.

The record shows that the main springs are subject to contamination from livestock or other animals rather than from human source. This spring area must be adequately protected at once by fencing.

While the evidence shows that the utility may be earning but little profit at present, it also shows that the service so far received likewise is worth but very little. Defendant has now on file with this Commission an application for an increase in rates wherein the results of operation will be in direct issue. In the meantime, however, defendant will be expected to take immediate steps

to relieve the present water shortage and unnecessary service interruptions. A complete cut-off barrier should be placed at the main spring sources to eliminate present water losses. A local representative with telephone service must be appointed with authority to receive complaints and make or have made necessary emergency repairs. The springs must be protected against surface pollution and contamination. Steps should be taken to meter the entire system as soon as finances permit. Plans for complying with these most important matters, as well as other essential improvements to provide proper service, shall be filed by defendant as directed in the following order.

ORDER

Complaint as entitled above having been filed with this Commission, a public hearing having been held thereon, the matter having been duly submitted and the Commission having been fully advised in the premises, and basing its Order upon the foregoing findings of fact,

IT IS HEREBY ORDERED that James J. Downey, doing business under the fictitious firm name and style of Inverness Park Water Company, be and he is hereby directed to file with the Public Utilities Commission of the State of California, within ten (10) days from the effective date of this Order, detailed plans for the improvement of the water supply and distribution facilities of this water system in order to provide a dependable and adequate water service to all consumers; said plans to be subject to approval of this Commission and all work in connection therewith to be commenced on or before ten (10) days after approval thereof by this Commission and be completed on or before April 1, 1948.

IT IS HEREBY FURTHER ORDERED that James J. Downey, within sixty (60) days from the date of this Order, shall provide a competent individual who shall be authorized to make emergency repairs to the system and to be available locally at all reasonable times either in person or through telephone service to receive and handle complaints from the customers.

The Secretary is directed to cause a certified copy of this Order to be served upon James J. Downey, and this Order shall become effective on the twentieth (20th) day after such service.

Dated at San Francisco, California, this 3rd day of February, 1948.

R. Z. Downey
Justin J. Calles
W. H. Russell
Harold P. Hills
Herbert P. Potter
Commissioners.