

Decision No. 43576**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Thomas A. Gallagher Complainant	}
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VS

Sobrante Water Company, Defendant	}
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Case No. 5109

Thomas A. Gallagher, in propria persona,
 complainant; G. J. Buddingh, for defendant.

O P I N I O N

Thomas A. Gallagher filed a complaint against Sobrante Water Company, a corporation, alleging that the defendant company has submitted incorrect billings, has discontinued service without proper notice and has ignored requests of complainant to be furnished monthly billing statements. It is further alleged that the company maintains no regular business office; that officers of the company cannot be reached by telephone; that the company permitted its water supply to become exhausted on one occasion in the summer of 1947; and that complainant has been unable to utilize enough water to keep his premises in a safe or salable condition. The company, allegedly, has never advised its customers of the adequacy of its water supply or of negotiations relative to possible sale of its properties to the East Bay Municipal Utility District. The Commission is asked to direct defendant to submit to complainant all of its billings from the inception of complainant's account, to make a statement to its customers relative to the extent of its present water resources and of its alleged negotiations with the East Bay Municipal Utility District. The Commission is further asked to direct the company to establish a regular business office and

to issue periodic statements of conditions to its customers. It is also requested that complainant be permitted by the Commission to enter his own case and evidence in the event of further complaint against company rates or practices.

A hearing was held before Examiner Kimball at Richmond, on October 20, 1949, and oral evidence was adduced and the matter submitted.

Complainant testified that his bill for water service rendered in June, 1948, covering the month of May, amounted to \$2 while the July bill, covering June usage, amounted to \$8.66. Payment for the June bill was transmitted to the company by letter from the complainant dated July 11, 1948. This letter also returned the July bill of \$8.66 without payment and requested that the company justify the abrupt increase in charges from June to July. Complainant testified that no answer to his letter was received from the company and that subsequently he impounded the amount of \$8.66 with the Commission under the disputed bill rule. The Commission's staff investigated the matter and recommended that 46 cents be refunded to the complainant and the remainder, \$8.20, be transmitted to the company. This adjustment was assertedly unsatisfactory to the complainant, and, at his request, the matter was reopened. However, no change in the original conclusion was found to be warranted by the Commission. The complainant has also impounded money with the Commission in several other instances of disputed bills.

The complainant further testified that the president of the company came to his residence during the summer of 1946 with an alleged delinquent bill and demanded immediate payment, and threatened to discontinue service on the following day if the bill was not paid. Upon appeal to the Commission's staff, the disconnection was not made. Near the end of 1946, C. L. Fessenden, who is the president of the company, replaced a portion of the service pipe on complainant's property assertedly because of an improper connection. Complainant paid

Mr. Fessenden \$2.50 which the latter charged for doing this work. However, after review by the Commission's staff, this amount was refunded to the complainant.

The complainant further reiterated the matters covered in the complaint as filed; and a witness for the complainant, as well as the complainant, testified that for the past four or five weeks a water leakage at the meter on the house side had been noticed. The testimony indicates, however, that the company was not advised of this leak.

Sobrante Water Company serves a small territory in a subdivided portion of El Sobrante Rancho in Contra Costa County. The area served is located about three miles northeast of Richmond in the Contra Costa hills. There are about 90 customers served at the present time.

G. J. Buddingh, Treasurer of the Sobrante Water Company, appeared as a witness for the defendant. However, he was not familiar with the details of the difficulties experienced by the complainant in 1946 and had no knowledge of the letter of July 11, 1948, which the company assertedly failed to answer. In the interest of good utility practice the company should acknowledge letters from its customers, either by mail or by personal contact, and make every reasonable effort to assist the customer in understanding the charges applicable for service furnished.

In addition to the witness' duties as treasurer of the company, he also reads the meters. Meters are read on the first, second, or third day of each month and the readings are usually made for all customers on a single date.

There was no evidence presented of errors or irregularities in the monthly readings of the meter on the complainant's service. The witness testified that the meter is of the direct reading type which shows the reading as one figure rather than on a combination of several dials. In view of the simplicity of obtaining the reading, it is suggested that the complainant check the reading occasionally in order to satisfy himself as to the accuracy of the meter readings made by the company.

Bills are mailed each month and show the meter readings for the previous and current months, the monthly charge for service, and the mailing address. The testimony indicated that the complainant consistently retains only the stub of the water bill which should be returned to the company and transmits to the company that portion of the bill showing the meter readings and charges which portion he should retain. It would appear that complainant should retain the proper portion of his bill in order that he may have a record of past usage. With regard to the complainant's request for the record of his usage from the time service was established in July, 1942, witness for the company agreed to furnish this information and to make available the records relating to the complainant's account if such information should be desired in the future. The Commission will expect the company to furnish the above-mentioned usage data to the complainant.

The witness further testified that the Sobrante Water Company obtains all of its water from the East Bay Municipal Utility District on a surplus basis. During the summer of 1947, the Utility District's water mains were too small to supply water to the Sobrante Company, with the result that the company had no water for about one day.

These conditions have been corrected by the Utility District's installation of a 3,000,000-gallon storage tank, a booster pump, and enlarged mains.

The witness for the company further testified that the company has never negotiated with the East Bay Municipal Utility District for the sale of the water system, and it was the witness' understanding that the Utility District does not wish to buy the Sobrante Water Company. El Sobrante Colony Water District has been formed, but it appears that the assessed valuation in the area is insufficient to support the bond issue which would be required to build a water system.

The office of the company is at the home of the president who resides in the El Sobrante area; and while the president does not have a telephone at the present time, two of the directors, H. F. Swanson and Charles W. Cox, who also live in El Sobrante, do have telephones. It would appear, therefore, that customers of the company should have no undue difficulty in contacting company officials.

Witness for the company testified that a new meter was installed in September, 1949 at the complainant's residence due to the old meter having clogged. He stated that he had not observed any leakage at the time he read the meter. However, he agreed to check the meter and if a leak was found, to make a reasonable adjustment in the billing.

With regard to the prayer of the complainant that he be permitted by the Commission to enter his own case in evidence in the event of any future complaint against the company's rates or practices and alleging that such right had been denied him in the past, the Commission's procedure for handling formal complaints and for handling matters involving service or rate problems at staff level was explained to the complainant. He was further advised that he could discuss any problems with staff members at the Commission's office in San Francisco at any time; and that if this was not feasible, arrangements could be made for a staff member to contact him at a time and location convenient to him.

No evidence was adduced which would lead to the conclusion that further adjustment should be made in the charges for service to the complainant during the middle of 1948 or subsequently, and the testimony given by the witness for the company appeared to answer the matters complained of. It appears, therefore, that this complaint should be dismissed.

O R D E R

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

IT IS HEREBY ORDERED that the above-entitled complaint be and it is dismissed.

Dated at San Francisco, California, this 29th day of November, 1949.

R. Z. Indurain
Justice J. Cooney
Charles J. ...
Harold P. ...
Herbert ...
Commissioners.