

Decision No. 45056

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the operations
and service of Clara Blum Bartlett,
doing business as Pomona Valley
Water Company, in connection with a
public utility water system at
Los Serranos Village, near Chino,
San Bernardino County.

Case No. 5231

ORIGINAL

Wilson, Selig, and Cotter by Frank T. Cotter,
for Harold V. Saffell and Dr. Phillip Stephens,
Don Lugo Corporation by J. M. Fisher,
Messrs. E. O. Merchant and W. R. Wilkinson,
Mesdames H. G. Miller, C. L. Duffy, and
H. C. Collins, water users, Mesdames Frances K.
Schlessinger and Ethel Nicolaus, prospective
water users, Floyd H. Cooper, rental operator,
Paul Barnhill, builder and property owner, and
Mrs. Fred Young, property owner, interested
parties.

INTERIM OPINION

By the Commission's order on its own motion, dated at San Francisco, California, September 19, 1950, an investigation was instituted into the operations and service of Clara Blum Bartlett, doing business as Pomona Valley Water Company, at Los Serranos Village near Chino, San Bernardino County, California. The purpose of said order was to determine (a) the adequacy and sufficiency of the water supply available to, and the distribution thereof by, said water company, and (b) the feasibility at this time, or in the future, of attaching new or additional domestic or agricultural services to said water system.

A public hearing in this matter was held before Examiner Warner at Chino, California, on October 26, 1950.

The Commission, by its Decision No. 44500, issued June 30, 1950, in Case No. 5196 and prior cases related and consolidated therewith,^{1/} found as a fact that the public utility water system serving Los Serranos Village in its then condition had reached the limit of its capacity to supply water, and that no further consumers could be supplied from said system without injuriously affecting present users. The Commission's order, in part, directed Clara Blum Bartlett, the operator of said water system, not to furnish water to new or additional consumers pending further order of the Commission.

At the hearing on the order herein being considered, several witnesses appeared protesting the lifting of the aforementioned restrictions. These consumer-witnesses testified regarding the low pressures experienced by them in Tract No. 1932, caused by the small size of the 1½-inch and 1-inch distribution service pipes located therein and the fact that the water distribution system in Tract No. 1932 was dead-ended at many places. Tract No. 1932 consists of 657 lots with 125 present water consumers. Approximately 99% of the lots are owned by individuals (as distinguished from incorporated subdividers). The terrain consists of rolling hills, and water service is furnished at varying elevations from a 100,000-gallon tank. There were no protests from residents of other tracts.

Clara Blum Bartlett, owner and operator of the Pomona Valley Water Company, was called as a witness by the Commission. She testified that since acquiring the assets of the water system on June 30, 1950, she had made certain improvements to the system. These improvements included the installation of a new 40 hp pump and motor in the Pellissier well, and approximately 2,950 feet of new 8-inch steel main

^{1/} Application No. 29767, Cases Nos. 5167, 5188.

from the well and pump site to a booster station. These installations have been in operation since July 28, 1950, and were made at a total cost of \$8,254.24. They are supplying between 800 and 900 gallons per minute on a 24-hour basis to the water system, thereby increasing the amount of water available for domestic and irrigation purposes by that amount. She testified that she intended to make other improvements as her financial condition permits.

Another witness called by the Commission, Richard P. Mogle, chief engineer of the water company, testified that approximately 75% of the volume of leakage from the transmission system and storage tanks has now been stopped. He estimated that the combined production capacity of the three wells now in operation, viz., the Pellissier, the Junior Republic, and the utility's pro rata share of the Jelm well, was about 1,325 gallons per minute. He stated that the available water supply is, therefore, more than ample for the demands of the 225 water consumers now connected to the system, including the water demands of the Los Serranos Country Club golf course. He stated that the engineering problems of the operations of the water system were now of two major parts, (a) to replace the redwood stave transmission mains with new steel mains, and (b) to replace the small-size distribution mains with sizes of larger capacity, and to remove the dead-end conditions.

A statement, filed pursuant to Decision No. 44500 on August 8, 1950, in Application No. 29767 (Reopened Proceedings), and outlining plans and specifications for the repair and rehabilitation of the Pomona Valley Water Company as adopted by Clara Blum Bartlett, owner and operator, and made a part of the record in this proceeding by reference, indicates that the total cost of effecting the necessary repairs and improvements to the water system as outlined by the witnesses, Bartlett and Mogle, would amount to approximately \$57,500.

This amount was revised by Mogle at the hearing to approximately \$60,000 to conform to recent estimated rises in prices of labor and materials.

With respect to her attempts to secure outside financial assistance, Mrs. Bartlett testified that she had attempted to borrow the necessary funds for carrying through these plans and specifications, from the Bank of America at Chino. The bank had declined to make the loan, giving as its reason the fact that her right to the title in the property, as adjudicated by the Los Angeles Superior Court in Action No. 560988, wherein Kenneth A. Rogers and Clara Blum Bartlett were plaintiffs and Melville E. Rogers and Consuelo D. Rogers were defendants, had been appealed to a higher court, and is still in litigation. For the same reason, her application for a loan will not be accepted by the Reconstruction Finance Corporation, Los Angeles office. She stated that she had no other sources of funds of adequate amount; that the present operations of the water system were resulting in a substantial loss each month;^{2/} and that she anticipated that the aforementioned litigation would not be settled at least before the first part of the year 1951.

The witnesses Fisher, Cooper, and Young requested that the Commission's restriction be lifted in order that prospective buyers of homes might obtain water service. They stated that banks, loan agencies, and the Veterans Administration were refusing to make loans on properties situated within the service area of the Pomona Valley Water Company because of the restriction. The witness Fisher asked that restrictions be lifted on Tracts Nos. 2576 and 2562 in which, he

^{2/} A financial statement of Pomona Valley Water Company, filed as Exhibit No. 3, indicates a net loss of \$7,014.07 for the nine months' period ending September 30, 1950.

stated, distribution of water was not a problem. He suggested that the over-all restrictions might be lifted to allow the addition of 100 new water customers.

The witness Schlessinger owns 18.1 acres of property through which the 8-inch transmission main from the Pellissier well to the booster station now runs. She stated that the construction and occupancy of a home on this property for her family has been held up by the Commission's restriction, and she requested that she be furnished domestic water service. She stated that she does not intend to utilize the water for irrigation inasmuch as she has irrigation water service for her property from another source.

The witness Nicolaus stated that her residence was in Tract 1932; that she had filed an application for water service in July, 1950; that her house had subsequently been completed; that she was forced to move into it with a small child; and that since her application for water service had been necessarily declined by the water company, she has been obtaining water from a neighbor for domestic purposes. She requested that the Commission's restriction with respect to her application for domestic water service, in the light of her stated conditions, be lifted.

A careful review of the record indicates that it is desirable and in the public interest to retain the restrictions as originally imposed, with certain exceptions only. The interim order herein, therefore, will provide that the restrictions will be retained except that water service, upon proper application, will be rendered for one service connection each to Mrs. Schlessinger and Mrs. Nicolaus.

A request submitted at the hearing by Mr. Fisher, that the time element on advances for construction made by the Don Lugo Corporation be modified by an order of the Commission in this proceeding, does

not appear to be in order; and such relief, if it appears necessary at a later time, should be applied for by said Don Lugo Corporation in a new proceeding.

INTERIM ORDER

Public hearing having been held herein, and the matter having been continued to a date to be set,

IT IS HEREBY FOUND AS A FACT that Clara Blum Bartlett, operator of Pomona Valley Water Company, a public utility, has been and is unable financially to effect the plans and specifications for the repair and rehabilitation of the Pomona Valley Water Company, submitted by her in compliance with the Commission's order in Decision No. 44500, due to litigation contesting her title to said property, and that the transmission and distribution mains of the company are in such poor condition and are so inadequate, as to capacity, that they will not permit the addition of new or additional water consumers at this time, except as set forth in this order, and

IT IS HEREBY FOUND AS A FACT that, although the water supply has been augmented by the installation of a pump in the Pellissier well and the addition of some 2,950 feet of 8-inch transmission main to connect the well to a booster station, the facilities for delivery of water throughout the water system are still inadequate; therefore,

IT IS HEREBY ORDERED that the restrictions placed upon the furnishing of water to new or additional customers by Clara Blum Bartlett, owner and operator of Pomona Valley Water Company, as contained in paragraph 2 of the order in Decision No. 44500, issued June 30, 1950, in Case No. 5196, be continued in effect, except that water service for one service connection each be furnished, upon

proper application, to the following: Mrs. Frances K. Schlessinger,
873 Harrison, Claremont, California, and Mrs. Ethel Nicolaus,
151 North Acacia Street, San Dimas, California.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 28th day
of November, 1950.

R. E. Anderson

Justice J. C. ...

Joseph ...

Harold ...

Norman ...
Commissioners.