

Decision No. 46148

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

R. L. MYERS, representing himself and other water users)	
)	
Complainant,)	
)	
vs.)	Case No. 5314
)	
WAYNE VADNAIS, owner and operator of a water system, and)	
)	
PARK WATER COMPANY)	
)	
Defendants.)	

R.L. Myers, in propria persona and for other water users; Wayne Vadnais, in propria persona; H.H. Wheeler and William S. Cook, for Park Water Company; James F. Wilson, for the Commission Staff.

O P I N I O N

R.L. Myers, a water consumer, by the above-entitled complaint, filed August 2, 1951, and as amended August 10, 1951, asks the Commission either to order Wayne Vadnais, owner and operator of a water system serving domestic water to approximately 46 water consumers, to furnish adequate and satisfactory water service, or to authorize and permit Park Water Company, a corporation, to extend its water system to serve the complainants herein and such other persons desiring water service in the area now served by the defendant Vadnais.

A public hearing on an emergency basis was held before Examiner Warner on August 23, 1951, at Los Angeles, California.

The complainants allege that the defendant Vadnais and his predecessors have wrongfully operated the water system serving, and located in, Tract No. 6200, as re-subdivided, Los Angeles County. The area being

served, as shown on the map filed at the hearing as Exhibit No. 1, is triangular in shape and is bound on the northwest by Lakewood Boulevard, on the east by Clark Avenue, and on the south by Imperial Highway, in unincorporated territory, in the vicinity of Downey, Los Angeles County, California. The area comprises approximately 18 or 20 acres, and although originally subdivided into 18 lots, it has been re-subdivided, as also shown on Exhibit 1, into several smaller lots of varying sizes and dimensions, upon which the majority of the 46 present water consumers now live.

The complainants further allege that the defendant Wayne Vadnais has failed to furnish adequate and satisfactory water service and that the facilities of the Vadnais system have completely broken down. The well has failed, and it has been necessary to effect a temporary water service connection with the defendant Park Water Company's water system.

The complainants allege that the defendant Vadnais has never obtained and does not possess a certificate of public convenience and necessity from this Commission to operate said water system as required by Section 50(a) of the Public Utilities Act.

The complainants further allege that Park Water Company, a public utility water corporation operating under the jurisdiction of this Commission, is now engaged in serving areas contiguous to the area herein described, and has sufficient water supply and facilities to furnish adequate water service to the property owners and water users now being served by the defendant Vadnais.

At the hearing, the defendants neither denied nor refuted any of the allegations contained in the complaint as amended.

The defendant Vadnais testified that he had bought the present water system in April, 1951, without full knowledge of its condition or its responsibilities. He stated that he had spent between \$400 and \$500 attempting to rehabilitate the system and had taken in but \$200 in operating revenue since April of this year. He stated that he had mortgaged his car and had had the motor, which drives the pump in the well which furnishes water for

the system, overhauled for the additional cost of approximately \$100, and that he was at the end of his financial rope, and was unable to make any further attempts to maintain or operate the water system.

The record shows that about two weeks ago the bottom of the well caved in, leaving the system completely without a source of water supply. The complainant Myers testified that he, in conjunction and cooperation with the defendant Vadnais, had borrowed pipe from Murray Pump Company, on a temporary basis, had secured a donation of 147 feet of 2-inch pipe from defendant Park Water Co., had borrowed 400 feet of 2½-inch hose from the County Fire Department, and had thereby effected a temporary water service connection with Park Water Company, for the furnishing of water by the latter free of charge, on an emergency and temporary basis, until other arrangements could be made.

H. H. Wheeler, President of Park Water Company, stated that his company was ready, willing and able to furnish adequate water service on a permanent basis to Tract No. 6200 by the installation of a completely new water system therein through a permanent connection with Park Water Company's present water distribution facilities in its Zone 1, which includes portions of its systems Nos. 21, 22 and 40, and part of which is located at the northwest corner of Imperial Highway and Lakewood Boulevard, and is immediately adjacent and contiguous to said tract on the northwest thereof along Lakewood Boulevard. However, the witness Wheeler testified that he considered that Park Water Company's presently filed Rule and Regulation 19, Water Main Extensions, could not be applied to the service extensions which would be required to serve Tract No. 6200. He stated that the provision under Rule No. 19, (1) General Extensions, in this instance would be uneconomical and would place an undue burden on all others of Park's consumers. He further stated that no other presently filed rule and regulation for water main extensions could be applied in this instance, and requested that the Commission authorize Park Water Company to file Rule and Regulation No. 19, which would apply to this area alone. Such special condition would authorize Park Water Co. to require a contribution from each consumer-property owner in

Tract No. 6200, Los Angeles County, of \$1 per front foot per lot for extension of service into the tract. The contributions would be payable in a lump sum whenever possible, but Park Water Company would grant to each owner-consumer a period of one year's time for the completion of payment of such contribution. On those lots where there was no occupancy, Park Water Company would set up on its books the cost of the extension as a deferred item, to be paid by the future occupants in the same manner as present occupants.

He stated that he estimated that the average cost to each of the 46 present water consumers would be about \$50. He further stated that it would be necessary for Park Water Company to obtain rights of way for the installation of the proposed water system throughout Tract No. 6200, since the streets located therein have never been dedicated and the re-subdivision of the tract has never been officially approved or recorded.

Exhibit No. 2 filed at the hearing is a map showing the proposed rights of way which it would be necessary for Park Water Company to obtain, and Exhibit No. 3 is a sample copy of a right of way which would be obtained from each of the property owners.

The source of water supply for Tract No. 6200 would be a cross connection with Park's present facilities in its Zone 1, which comprises nine wells, with a total estimated production capacity of between 12,000 and 14,000 gallons per minute. All of the wells are interconnected.

As shown on Exhibit No. 1, the water system proposed to be installed in Tract No. 6200 would comprise 4, 6 and 8-inch cast iron mains.

The total estimated cost of installation is shown on the following tabulation:

<u>Item</u>	<u>Amount</u>
Estimated cost of installation of pipelines as shown in Exhibit No. 1	\$ 8,791.64
Estimated cost of obtaining title searches and expense of obtaining necessary signatures to lay pipes in property	<u>3,000.00</u>
Total Estimated Cost	\$11,791.64

Due to the deteriorated condition of the Vadnais water system, the witness Wheeler stated that Park Water Company would neither ask nor make any use of that system if it were authorized to serve Tract No. 6200 under the special conditions as hereinbefore noted.

The record shows, with respect to rates for water service, that the defendant Vadnais and his predecessors have been charging a flat rate of \$2.50 per month per consumer. Park Water Company's witness stated that it would install meters and would apply its presently filed schedule of metered rates to Tract No. 6200. These rates include a minimum charge of \$1.50 per meter per month for 5/8 x 3/4-inch meter, with quantity rates of 15 cents per 100 cubic feet for the first 2,000 cubic feet, 12½ cents per 100 cubic feet for the next 8,000 cubic feet, 10 cents per 100 cubic feet for the next 90,000 cubic feet, and lower rates for quantities in excess of 100,000 cubic feet. Since the area is entirely residential, with the exception of one or two small commercial establishments, it appears that the average monthly bill under the metered rates would be about \$2.25 per month.

The record shows that Park Water Company would install fire hydrant risers on the system without further charge, and would effect a contract with the Downey County Fire Protection District for the installation of fire hydrants; the location and number of which would be decided by the District. Park Water Company would make no direct charge for fire hydrant service to any of the residents of Tract No. 6200, and the cost of rendering such service would be borne by the Fire Protection District, which in turn does now and would continue to levy taxes against the property owners located within its boundaries.

The record shows that Park Water Company does and would continue to maintain service and repair crews in the immediate vicinity for the rendering of those services to consumers in Tract No. 6200.

It is evident from the record that the defendant Vadnais is no longer able to furnish any water service to his present consumers, and in fact is no longer desirous of continuing to operate a water system, and it

is, therefore, evident that a public emergency exists with respect to the furnishing by some other party of water service to Tract No. 6200.

It is concluded, from a careful review and consideration of the record, that the proposal of Park Water Company as discussed herein to install a water system in Tract No. 6200, as described, and under the special conditions as discussed herein, is not unreasonable and is not adverse to the public interest. The order herein, therefore, will authorize the filing by Park Water Company of a special condition of its presently filed Rule and Regulation No. 19 to be applicable to Tract No. 6200, only. Due to the urgency of this matter, the order will provide that it take effect immediately.

O R D E R

A complaint having been filed with the Commission by R. L. Myers, representing a group of 46 water users in Tract No. 6200, Los Angeles County, against Wayne Vadnais, owner and operator of a water system in said tract, and Park Water Company, a public utility water corporation, owner and operator of a water system in territory immediately adjacent and contiguous to Tract No. 6200, a public hearing having been held, the matter having been submitted and now being ready for decision,

IT IS HEREBY FOUND AS A FACT that Wayne Vadnais has never secured and does not possess a certificate of public convenience and necessity from this Commission to operate a public utility water system; and

IT IS HEREBY FOUND AS A FACT that the defendant Vadnais is no longer able to continue to operate a water system and is no longer desirous of operating a water system in Tract No. 6200; and

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require that Park Water Company, in order to effect the necessary service extension to furnish adequate water service in Tract No. 6200, be authorized to file a special condition of its presently filed Rule and Regulation No. 19, to be known as Rule and Regulation No. 19 (3); therefore,

IT IS HEREBY ORDERED that Park Water Company is authorized to file a special condition of its presently filed Rule and Regulation No. 19 to be known as No. 19 (3), which will apply only to service extension in Tract No. 6200, Los Angeles County, and will require from each of the consumer-property owners located therein a contribution of \$1 per front foot per lot for water service extension, and will provide that each owner consumer will be granted a period of one year for the completion of payments of such contribution, and that on those lots where there is no occupancy, Park Water Company will set up on its books the cost of the extension as a deferred item to be paid by the future occupants in the same manner as present occupants.

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

Dated at San Francisco, California, this 28th
day of August, 1951.

A. J. Anderson
President

Justice S. Calver
Samuel Potter

Commissioners