

ORIGINAL

Decision No. 46519

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Milton J. Kelly, Jr.,  
Complainant,  
vs.  
Bolsa Knolls Water Company,  
Defendant.

Case No. 5301

Eugene L. Smith,  
Complainant,  
vs.  
Bolsa Knolls Water Company,  
Defendant.

Case No. 5302

George W. Mattox,  
Complainant,  
vs.  
Bolsa Knolls Water Company,  
Defendant.

Case No. 5303

Milton J. Kelly, Eugene L. Smith and  
George W. Mattox, complainants, in  
propria persona; George D. Pollock,  
attorney, for James W. Long, defendant.

O P I N I O N

In this proceeding the above-named complainants charge that defendant James W. Long (Bolsa Knolls Water Company) has failed to furnish public utility water service sufficient for the health, safety, comfort and convenience of his customers. In addition, complainants Smith and Mattox charge rate discrimination.

These matters were consolidated for hearing and heard before Examiner Emerson on October 10, 1951, at Salinas.

Testimony presented in this proceeding indicates that complainants, as well as other customers in the same area, have had an insufficient supply of water and low pressure for a period of over two years. A neighborhood association was formed in 1949, after the area had been without water for three days, for the purpose of obtaining an adequate supply of water from defendant's system. An informal meeting was then held with defendant at which defendant promised that both general and specific improvements would be made within a 60-day period. Some rearrangement of facilities was made but no effective improvement resulted. Complainants allege that during the past two years defendant has served new and additional customers without any increase in supply or pressure facilities and thereby has aggravated the low pressure problem. Complainants therefore find themselves in an even worsened condition and at times completely without water. No other public utility water system is available in, or within service distance of, defendant's service area. Defendant's customers are wholly dependent upon him for their water needs.

Complainant Kelly, allegedly, was promised in June, 1951, that pressure at his premises would be maintained at 22 psi. Pressure readings taken during July, August, September and October, 1951, indicated the highest pressure obtainable during daylight hours was 17 psi and the lowest was 2 psi. Of the readings taken, the majority showed about 5 psi in the afternoons and about 10 psi in the mornings.

Complainant Smith's premises are at the highest elevation served by defendant's system. Low pressure is commonly experienced. During the first 10 days of October, 1951, Smith was completely without water for two days and had to haul water in 5-gallon containers

during such period. Allegedly defendant has recently established water service to five new homes within two blocks of Smith, thereby further lessening the supply available to him.

Complainant Mattox, whose premises are adjacent to one of defendant's wells has not been without water but has experienced low pressure throughout the past three-year period. Mattox, with Smith, claims that defendant has placed meters on those customers who have complained about the water service while non-complainants have continued to be served at flat rates. Both claim that such alleged action constitutes discrimination and request that this Commission order the defendant to refund monies collected in excess of the flat rate charges.

James W. Long, defendant herein, has operated the water system serving Bolsa Knolls Tract and San Juan Acres and a portion of Abel Tract, about 4 miles north of Salinas, since May of 1946. The system is composed of two wells, a 10,000-gallon storage tank, two pressure tanks and about 6,500 feet of distribution mains of 4-inch or larger diameter. Distribution laterals of 2-inch and 1½-inch pipe are connected to the larger mains. At present 109 customers are served, 65 of which are metered. Total operating revenues for the year 1950 amounted to \$2,978 while operating expenses for the same period totaled \$3,321, a loss of \$353 for the year's operations thereby resulting.

Defendant Long did not controvert the testimony of complainants with respect to inadequacy of service but did deny any discrimination or attempt at discrimination with respect to the installation of meters. According to Long, the major physical items which he had promised the neighborhood association would be changed in 1949 were not changed on the advice of a local pump company which informed him that such changes were not necessary. Since 1949 certain minor

improvements have been made and the system somewhat enlarged. The latest addition is apparently a booster pump, installed at well No. 2 in July, 1951, by which it was intended to increase the quantity of water flowing into the mains from the storage tank. The booster pump, however, made no apparent improvement in either quantity of water or water pressure available to complainants.

Defendant seems to be in the position of fully recognizing the deficient effects but of having no knowledge of the cause of such deficiencies. He stated that he has no finances with which to make any major changes or additions nor is his credit standing sufficient to attract loans. His intentions are to install meters on all services in order to control wastage of water but meters can be obtained only on a cash basis and even then only on a delayed delivery schedule. He has been forced to operate without a telephone since that instrument was removed for nonpayment of bills. He has plans to sink a 300-foot well and install an elevated storage tank at well No. 1, the new well and pump alone estimated to cost over \$4,300, but cannot finance such plans.

Defendant's attorney took the witness stand and testified that as an owner and operator of a public utility water system in East Monterey he was thoroughly conversant with water operations and had therefore studied defendant's system and particular problems. He stated that not enough water was being pumped into the distribution system and that an elevated storage tank was needed at well No. 1.

Defendant was directed to prepare and submit an up-to-date and accurate map of his system and such map has been received as Exhibit No. 1 in this proceeding.

It is apparent from all the evidence in this proceeding that complainants have not been and are not now receiving adequate

water service and, in addition, that there is an insufficient supply of water in the distribution system to supply adequately all of the customers which defendant now holds himself out to serve. However, it is not apparent how, in view of defendant's financial condition, the system may assuredly be made adequate in any short period of time. Complainants' requests that defendant be ordered to refrain from adding new customers to the system until a sufficient supply is available will, therefore, be granted.

A careful analysis of the engineering and operating aspects of the water system indicates that the present booster pump at well No. 2 should immediately be replaced with a larger capacity pump driven by not less than a 10-hp motor and the pipe connections thereto enlarged. Next in importance is the proper functioning of the two pressure tanks. These tanks should have provisions made whereby air may occasionally be injected under pressure in order to insure that the tanks do not completely fill with water and thus lose their effectiveness. Recharging of the tanks with air should thereafter be a routine procedure and occur not less than twice yearly. After the booster pump and pressure tanks are properly functioning, steps should be taken to provide an elevated storage tank at well No. 1.

In view of defendant's financial situation it is suggested that he temporarily obtain the use of the needed booster pump for a trial period of about 60 days after which, if the installation proves of benefit, arrangements be made for its permanent installation.

Complainants Smith and Mattock have 3/4-inch pipe lines from their houses to defendant's meters which appear too small for their length. The Mattock line is approximately 60 feet long and the Smith line is in excess of 150 feet long. It appears doubtful that complainant Smith will receive the pressure he desires at his house, even when the utility system is properly functioning, unless

the size of the house pipe is increased or service is provided from a main on Penzance Street. After adequate pressure is made available at the respective meter locations and the pressure is still inadequate at the house, complainants should investigate the possibility of increasing the size of their house lines.

We find no element of discrimination respecting the installation of meters by defendant. The system should be completely metered and defendant should proceed with an orderly program of installing meters as his financial circumstances will permit.

There appears to be no sound reason why, if the above-... discussed improvements are made, this utility system should not function properly. No wastage of water, however, should be tolerated. Until a new and considerably larger source of supply may be made available, which cannot occur until the utility is on a firmer financial basis, inconsiderate usage of water by any consumer will adversely affect his neighbor's usage. The relief to be expected from the order herein should provide adequate service to the existing consumers. The proposed new well and pump may be required before new customers are added to the system. Until such time, particularly, cooperative efforts of consumers and utility operator alike will be of distinct advantage to all.

#### O R D E R

A public hearing having been held in the above-entitled proceedings, the matters having been submitted and being now ready for decision,

IT IS HEREBY FOUND AS A FACT that James W. Long (Bolsa Knolls Water Company) has failed to furnish public utility water.

service sufficient for the health, safety, comfort and convenience of his present customers and has an insufficient supply to serve additional customers; therefore,

IT IS HEREBY ORDERED that James W. Long shall not establish, or undertake to establish, water service to any party not being served from his public utility water system on the effective date of this order, until he shall have installed and placed in operation the proposed new well and pump heretofore referred to.

IT IS HEREBY FURTHER ORDERED that James W. Long shall, without undue delay, increase the size of pipe connections from well No. 2 to the booster pump, as well as the capacity of said booster pump.

IT IS HEREBY FURTHER ORDERED that James W. Long shall submit quarterly reports to the Commission setting forth the progress of the improvements placed in service.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of December, 1951.

R. Z. [Signature]  
President.

Justin F. [Signature]

Harold P. [Signature]

[Signature]

[Signature]  
Commissioners.