

ORIGINAL

Decision No. 46955

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
on the Commission's own motion into)
the operations, practices, contracts,)
main extensions, service area, water)
supply and water service, and related)
matters, or any of them, of DEL ROSA)
HEIGHTS WATER COMPANY, a corporation,)
operating a public utility water)
system in the general area known as)
Del Rosa, in the County of San Bernardino.)

Case No. 5325

Alden Reid, attorney, for Barbara Sue Obst, and
Oscar P. Obst, Jr., petitioners; L. R. Myers,
president, for Del Rosa Heights Water Company;
W. R. Holcomb, attorney, for Quincy Brown,
interested party and consumer, and other interested
consumers; James F. Wilson and R. H. Knaggs, for
the Commission staff.

INTERIM OPINION ON REOPENED PROCEEDING

By its order dated March 19, 1952, the Commission reopened the above-entitled proceeding for further hearing on the petition dated February 29, 1952, of Barbara Sue Obst and Oscar P. Obst, Jr. for further hearing and to amend Decision No. 46548 so as to permit water service upon petitioners' land. The proceeding was reopened for the further purpose of ascertaining the steps taken by the Del Rosa Heights Water Company to comply with Decision No. 46548.

A public hearing on the reopened matter was held before Examiner Warner on March 26, 1952, at San Bernardino, at which time the matter was continued to a date to be set.

Barbara Sue Obst and Oscar P. Obst, Jr., petitioners, late in 1951 completed the subdivision of Tract No. 3757, San Bernardino County, which is located at the northwest corner

of Del Rosa Avenue and Avery Street, immediately adjacent and contiguous to but just outside and north of the authorized service area of Del Rosa Heights Water Company. A map filed at the reopened proceeding as Exhibit No. 1 shows that Tract No. 3757 contains 32 lots. The witness Oscar P. Obst, Jr. testified that all lots were now vacant and that no home construction had taken place, or was taking place at the present time. In accordance with instructions of L. R. Myers, president of Del Rosa Heights Water Company, a water system was installed in said subdivision by the subdividers Obst.

Subsequent to the completion of the said water system, but prior to the actual delivery of water thereto, the Commission by its Decision No. 46548, dated December 18, 1951, in this matter, placed a restriction on Del Rosa Heights Water Company on the furnishing of water service outside its certificated area except for water service being rendered outside its certificated area as of the effective date of the order, and placed a 90-day restriction on the furnishing of temporary emergency water service through a meter located on Del Rosa Elementary School property to a community of about 75 consumers, an 8-to 10-unit apartment house and an olive factory. The record shows that the group of consumers receiving such temporary emergency service comprise all of the consumers of the Del Rosa Domestic Water Company owned and operated by Dr. Floyd F. Graefe. By its Decision No. 46801, dated February 26, 1952, in this proceeding, the Commission extended the 90-day temporary emergency service restriction to and including an additional 21 days from March 16, 1952, to April 6, 1952.

Evidence was adduced at the reopened proceeding regarding the present status of the source of water supply available to Del Rosa Heights Water Company and the attempts of the company to

maintain and supplement such supply. Evidence was also adduced regarding the need for water service to Tract No. 3757 and the advisability of lifting the restrictions imposed by Decision No. 46548 to the extent of permitting Del Rosa Heights Water Company to extend its water service to Tract No. 3757.

Considerable testimony was introduced regarding a plan for a well which was to have been drilled on property owned by Del Rosa Heights Water Company and which was to have been financed by Obst. The drilling of such a well would have cost Obst about \$3,000. It was also planned that Del Rosa Heights Water Company would install in such well a pump and motor owned and to be furnished to Del Rosa Heights Water Company by Dr. Floyd F. Graefe and J. E. Tillotsen, general manager of Del Rosa Packing Company. For reasons not entirely clear in the record, this plan was not carried out and no well has been or is proposed to be drilled by Obst.

A request for extension of time in which temporary emergency water service may be furnished by Del Rosa Heights Water Company to Dr. Floyd F. Graefe, doing business as Del Rosa Domestic Water Company, was made at the hearing by Dr. Graefe.

The record in the reopened proceeding shows that Del Rosa Heights Water Company now has about 245 consumers; that the production capacity of its present source of water supply on the portion of its "Reservoir Lot" is 350 gallons per minute; that the storage facilities of the water system comprise a 247,000-gallon tank; and that if such storage tank were kept filled, it would provide a more than ample supply of water for the present consumers of Del Rosa Heights Water Company, for Tract No. 3757, and for the continuation of emergency service to the Del Rosa Domestic Water Company to the south of its service area. The record further

shows that the production capacity of Del Rosa Heights Water Company's source of water supply is of sufficient amount to keep such storage tank supplied with water.

The witness Quincy Brown, a Del Rosa Heights Water Company consumer, cited several instances within the last three months upon which water service to his premises was interrupted. It appears that most and, in fact, practically all of the complaints about interruptions to water service and low pressures could be eliminated by the company if a simple float were installed by it on its storage tank. This float would show the water level in the tank at all times and would indicate when and to what extent the water pumps should be operated to keep the tank filled. Applicant will be expected to install such a float at once.

The record further shows that litigation in Superior Court with respect to the ownership and partition of the so-called "Reservoir Lot", referred to in Decision No. 46548, is nearing decision and settlement. The witness Myers testified that no interruptions to water service production had occurred because of interference by Elias M. Shahan or any of his employees since the date of the original hearing on this matter on November 7, 1951. These interruptions were alleged by Myers to have been the cause of interruptions to the public utility water service prior to that date. This matter has been continued to a date to be set in order that the record may include the final determination of the Superior Court, and the effects of such determination, if any, on the operation of Del Rosa Heights Water Company.

From a review of the record it appears that it would not be adverse to the public interest that the restrictions on furnishing water service outside the certificated area of

Del Rosa Heights Water Company imposed by Decision No. 46548 be modified with respect to Tract No. 3757 and the order herein will provide for such modification. The order herein will further provide for the extension of time for the furnishing of temporary emergency water service to Del Rosa Domestic Water Company to July 15, 1952.

INTERIM ORDER

The matter of the Commission's Investigation on its Own Motion into the Operations of Del Rosa Heights Water Company having been reopened for further hearing on the petition of Barbara Sue Obst and Oscar P. Obst, Jr., subdividers of Tract No. 3757, San Bernardino County, for the purpose of determining whether Decision No. 46581 should be rescinded, altered, or amended in any particular and for the further purpose of ascertaining the steps taken by the Del Rosa Heights Water Company to comply with said decision, a public hearing having been held, the matter having been continued to a date to be set, it appearing that an interim order should be issued at once with respect to the Obsts' petition and further with respect to the emergency service being rendered to Del Rosa Water Company, the Commission being of the opinion that the restrictions on the furnishing of water service imposed by said Decision No. 46548 should be modified, and good cause appearing; therefore,

IT IS HEREBY ORDERED that the water service restriction contained in the Commission's Decision No. 46548, dated December 18, 1951, wherein Del Rosa Heights Water Company is restricted in furnishing of water service to its certificated area only, except for water service being rendered outside the boundaries of its certificated area at the time of said decision,

be and it is modified to the extent that Del Rosa Heights Water Company may furnish water service to Tract No. 3757, San Bernardino County.

IT IS HEREBY FURTHER ORDERED that Decision No. 46801, dated February 26, 1952, which extended the time during which temporary water service may be furnished by Del Rosa Heights Water Company to Del Rosa Packing Company and Dr. Floyd F. Graefe, doing business as Del Rosa Domestic Water Company, be, and it is, modified to provide that Del Rosa Heights Water Company may continue to furnish temporary water service to Del Rosa Packing Company and to said Dr. Floyd F. Graefe, doing business as Del Rosa Domestic Water Company, and to the consumers thereof, until July 15, 1952.

Dated at San Francisco, California this 8th day of April, 1952.

[Signature]
President.

Justus F. Graeme

Harold F. Hula

[Signature]

[Signature]
Commissioners.