

ORIGINAL

Decision No. 46956

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Consumers of the  
Del Rosa Water Supply,  
Complainants )

vs. )

Floyd F. Graefe,  
Defendant )

Case No. 5339

James L. King, attorney, for complainants;  
Dr. Floyd F. Graefe in propria persona, defendant;  
James F. Wilson and James G. Lee for the Commission  
staff.

O P I N I O N

A group of 28 water consumers of the Del Rosa Water Supply <sup>1/</sup> by the above-entitled complaint filed October 26, 1951, against Dr. Floyd F. Graefe, owner and operator of and doing business as Del Rosa Domestic Water Company, defendant, requests the Commission to assure them an adequate supply of water and sufficient pressure for protection against loss by fire, and requests jurisdiction of the Commission.

A public hearing in this matter was held before Examiner Warner on March 26, 1952, at San Bernardino.

Complainants allege that when defendant purchased the Del Rosa Water Company <sup>1/</sup> he arbitrarily raised the minimum rate of \$1.75 for 750 cubic feet to \$5.00 for 1,000 cubic feet and threatened to cut off the water supply unless the \$5 were paid. They also allege that the majority of the consumers are not able to pay the advanced rate.

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<sup>1/</sup> Del Rosa Domestic Water Company.

The record shows that what is now Del Rosa Domestic Water Company has been furnishing water service since 1916 in the unincorporated area known as Del Rosa, San Bernardino County; that water was first furnished free to employees of the olive factory in the vicinity; that later, surplus water was sold; that now, and at least since August, 1951, water service has been furnished and water sold in a public utility manner; that Del Rosa Domestic Water Company has not been and is not operating under the jurisdiction of the Commission; that its original source of water supply was a stone ditch bringing water out of Waterman Canyon; that ownership of the water system has changed hands several times since 1916; that in 1926 a well was drilled in the northwest corner of the service area at the corner of Mountain Avenue and Lemon Avenue; that the number of consumers has increased from approximately 20 in 1920 to 60 as of the present time; that in July, 1951, the defendant Dr. Graefe acquired the water system; that in August, 1951, the well went dry; that Dr. Graefe had the pump removed, had the well sand-pumped, attempted to have a 10-inch steel column removed from the well, and had a new pump installed; that these attempts to refurbish the well failed; that the well was abandoned in August, 1951; that an emergency source of water supply was obtained from Del Rosa Heights Water Company, a public utility which owns and operates a water system immediately to the north; that in order to obtain such emergency service it was necessary to install a pipe line across Del Rosa Elementary School property to effect connection with Del Rosa Heights Water Company at a meter installed on said school property; that all of the costs of the new pump installation and new pipe for the emergency service, amounting to nearly \$1,000, were borne by Dr. Graefe as personal, out-of-pocket expenses.

The record further shows that the distribution pipe lines of the water system are in very poor condition and will require substantial repair and replacement of pipes; that 1,000 feet of 8-inch pipe have been obtained and are on order from Muscoy Mutual Water Company through the City of San Bernardino Water Department; that the cost of drilling a new well would amount to approximately \$4,000; that deepening the old well would cost in the neighborhood of \$1,000; that no charge has been made by Del Rosa Heights Water Company for water delivered by it on an emergency basis to Del Rosa Domestic Water Company; that no water bills have been rendered to any of the consumers of Del Rosa Domestic Water Company and only intermittent attempts have been made to collect any amounts owing; that the total revenue collected by Dr. Graefe has amounted to about \$300; and that the proposed minimum charge of \$5 for 1,000 cubic feet has never been levied and has never been collected.

By its Decision No. 46548, dated December 18, 1951, in Case No. 5325, an Investigation on the Commission's Own Motion into the Operations of Del Rosa Heights Water Company, the aforementioned public utility, the Commission placed a restriction of 90 days from the effective date of the order on the furnishing of temporary emergency water service through the meter located on the premises of the Del Rosa Elementary School for the service of a community of approximately 75 consumers, an 8- to 10-unit apartment house under construction, and an olive factory in accordance with the finding of fact in said order that the water supply of Del Rosa Heights Water Company was inadequate for such service on a permanent basis. Dr. Graefe's water system, Del Rosa Domestic Water Company, is the sole recipient of such temporary emergency service. By its Decision No. 46801, dated February 26, 1952, in Case No. 5325, the

90-day limit was extended 21 days from and after March 16, 1952, (to and including April 6, 1952). Case No. 5325 was reopened for further hearing by the Commission's order issued March 19, 1952. A hearing on the reopened proceeding in Case No. 5325 was held in San Bernardino on March 26, 1952, immediately following the hearing in the instant proceeding. In both proceedings, L. R. Myers, president, Del Rosa Heights Water Company, testified that said company now has an adequate water supply to continue to render emergency service to Dr. Graefe's Del Rosa Domestic Water Company, and that, if and when Dr. Graefe's water system becomes solvent and is made operable, Del Rosa Heights Water Company proposes to acquire that system.

The record clearly shows that Dr. Graefe is and has been operating for some time a public utility water system as such is defined in the Public Utilities Code of the State of California, and that the rates now being charged, and rules and regulations together with tariff service area map of Del Rosa Domestic Water Company should be filed with the Commission, and the order herein will so provide.

An interim order on the reopened proceeding in Case No. 5325 is being issued by the Commission providing for the extension of the time of emergency service provided by Del Rosa Heights Water Company to Del Rosa Domestic Water Company to July 15, 1952.

O R D E R

A complaint by 28 consumers of Del Rosa Domestic Water Company against Dr. Floyd F. Graefe, owner and operator of and

doing business as said company, defendant, having been filed, 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 Dr. Floyd F. Graefe, defendant, owns and operates a water system known as Del Rosa Domestic Water Company in an unincorporated area known as Del Rosa, San Bernardino County, and that the operations of such water system include distributing water through pipe lines to the public for compensation and that by performing such operation, he becomes subject to the jurisdiction of this Commission as such jurisdiction is set forth in the Public Utilities Code of the State of California; therefore,

IT IS HEREBY ORDERED as follows:

- (1) That Dr. Floyd F. Graefe, defendant, doing business as Del Rosa Domestic Water Company, file in quadruplicate with this Commission after the effective date of this order and on or before May 15, 1952, in conformity with the Commission's General Order No. 96, a schedule of rates and charges for water service now being charged as shown in Exhibit A attached hereto.
- (2) That defendant shall file within forty (40) days after the effective date of this order, four copies of a comprehensive map, drawn to an indicated scale of not less than 600 feet to the inch, delineating by appropriate markings the various tracts of land and territory served, and the location of various properties of defendant.
- (3) Defendant shall file, coincident with the rate filing ordered herein, four copies of rules and

regulations and tariff service area map acceptable to the Commission and in accordance with the requirements of General Order No. 96.

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

Dated at San Francisco, California, this 8<sup>th</sup> day of April, 1952.

R. Z. [Signature]  
President.

Justin F. [Signature]

Harold [Signature]

[Signature]

[Signature]  
Commissioners.

## EXHIBIT A

## Schedule No. 1

GENERAL METERED SERVICEAPPLICABILITY

Applicable to all measured domestic, commercial and industrial water service.

TERRITORY

Throughout the unincorporated area known as Del Rosa, San Bernardino County, bounded on the north by Lemon Avenue, on the east by Del Rosa Avenue, on the south by Citrus Avenue, and on the west by Mountain Avenue.

RATES

Per Meter  
Per Month

## Quantity Rates:

First 750 cu.ft., or less . . . . .	\$1.75
Over 750 cu.ft., per 100 cu.ft . . . . .	.10

## Minimum Charge:

For 5/8 x 3/4-inch meter . . . . .	\$1.75
For 1-inch meter . . . . .	4.00
For 1 1/2-inch meter . . . . .	8.00

The Minimum Charge will entitle the consumer to the quantity of water which that monthly minimum charge will purchase at the Quantity Rates.