

ORIGINALDecision No. 52690

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mr. and Mrs. Louis A. Eckels,
Complainants,

vs.

San Jose Water Works, a corporation,
Defendant.

Case No. 5684

Mr. and Mrs. Louis A. Eckels in propria personae, complainants;
McCutchen, Thomas, Matthew, Griffiths & Greene by
Robert Minge Brown for San Jose Water Works, defendant;
John D. Reader for the Commission staff.

OPINION AND ORDERRELIEF SOUGHT

In this complaint, filed October 4, 1955, Mr. and Mrs. Louis A. Eckels, customers of San Jose Water Works, seek an order of this Commission directing San Jose Water Works to (1) reduce water pressure in the area in which they reside, (2) adjust high water bills arising from allegedly inaccurate metering of water consumption occasioned by high water pressure, (3) reimburse complainants for equipment allegedly damaged by high water pressure, and (4) to prohibit the defendant from discontinuing water service for non-payment of bills.

COMPLAINANTS' ALLEGATIONS

Complainants reside at 2943 Bell Avenue, in a suburban area east of San Jose, a short distance from the intersection of McKee and White Roads. Their allegations are briefly stated as follows:

a. That since June, 1955, water delivered to their premises has been at a pressure of about 130 psi.

b. As the result of such pressure, a hot water tank, three garden hoses, a kitchen-sink faucet and numerous faucet washers have been damaged and have required replacement.

c. The pressure of the water delivered damaged the water meter to such an extent that the meter did not accurately record consumption but, rather, recorded consumption in excess of actual consumption and resulted in the rendering of incorrect and exorbitantly high bills to complainants.

d. The water bill for the meter reading of April 26, 1955, was the last bill received until August, 1955 when the April bill and billings for subsequent months were presented for payment. In the absence of complainants, water service was discontinued because of non-payment.

DEFENDANT'S ANSWER

In answer to the complaint defendant's allegations, briefly stated, are as follows:

a. Complainants reside in a subdivision, developed during the year 1950, on the outskirts of the City of San Jose which was at that time some distance from defendant's sources of supply and because of such situation it was necessary to supply the tract from the Miguelito pressure zone of defendant. From the commencement of service to a date subsequent to the filing of this complaint, the pressure in this zone has approximated 130 psi. Such pressure is admittedly higher than the normal pressures on defendant's overall system.

b. During the first four years of service no complaints respecting water pressure were received from complainants. However, a history of delinquency in payment of bills did develop and continues to exist. Discontinuance notices have been sent on occasions in 1951 and 1953 when complainants became three months in arrears. In each instance payment was made before the date on

which service was to have been discontinued. In 1954 complainants again became delinquent in payment and in August, 1955 another discontinuance notice, together with a bill for the three months then owing, was sent to complainants. At that time complainants protested the amount of the bills and claimed that the meter was inaccurate because of high pressure.

c. The meter for complainants' service was removed and tested in defendant's laboratory, found to be in good working order and well within the prescribed limits of accuracy, its accuracy averaging 100.3 per cent. Notwithstanding, delinquency in payment of monthly bills has persisted and as of the date of answer (November 10, 1955) payments for service rendered since July 27, 1955, had not been made.

d. Standard plumbing fixtures are constructed to operate satisfactorily under pressures up to 150 psi or more.

e. Defendant, on November 5, 1955, completed certain additions and improvements to its general water system which made it possible to supply water, to the subdivision in which complainants reside, from either of two pressure zones, the Miguelito zone at 130 psi or the Story Road zone at 65-70 psi. Since that date defendant has served complainants' area from the lower pressure zone.

f. Since establishment of lower water pressure, defendant's other customers in the area have protested, both orally and in writing, the reduction of pressure.

g. Except as admitted by implication in defendant's above allegations, defendant denies all of complainants' allegations.

PUBLIC HEARING

The matter was heard before Examiner F. Everett Emerson at a public hearing held in San Jose on December 20, 1955.

NATURE OF EVIDENCE

Eight witnesses were heard and four exhibits were received in this matter. Mrs. Eckels, testifying for complainants, reiterated and restated the elements of the complaint and, in addition, claimed that employees of defendant were crude, obnoxious, belligerent and threatening in their handling of her many complaints over a period of many months. Defendant's vice-president and general manager and its commercial department manager, both of whom had personally handled the various complaints and billing and collection details of complainants, testified for defendant. Four customers residing in the general vicinity of complainants testified respecting water pressure as it affected their usage and protested any reduction in pressure. A "petition", signed by 21 other customers in the area, protesting reduction of water pressure was received in evidence as Exhibit No. 2 in the proceeding. An engineer of the Commission's staff testified with respect to the accuracy of water meters and the effect of high pressures on such devices.

Service to the Eckels was first established on June 21, 1950. The water pressure supplied was in the range 125-135 psi, such range being that supplied in the Miguelito zone of defendant's system. From the date of original service through the year 1952 normally expected water consumption and billing for a suburban residence on the size of complainants' lot (75 ft x 140 ft) was experienced. However, in 1951 complainants did not pay their bills for February, March and April until May 9, after a discontinuance notice was served upon them by defendant. Commencing some time in 1952 complainants accepted paying guests and the premises became devoted to an enterprise in the nature of a rest home for elderly

veteran mental patients. The care of lawns, shrubs and a vegetable garden seems to have been a part of their rehabilitation or other treatment. Six adults occupy the premises.

During 1953, the August bill was paid in October, the September and October bills were paid in December. Bills for November and December water consumptions were paid on January 21, 1954. During the summer of 1954 complainants went east, leaving the premises and the patients in the charge of relatives, who occupied the premises in the absence of complainants. An abrupt increase in water consumption is apparent in the meter reading for June, 1954. The June bill was not paid until September 17 after receipt of a discontinuance notice from defendant. In response to complainants' telephoned request for a meter check, made on September 6, 1954, defendant removed the meter and tested it in its laboratory. The meter was found to have an accuracy of 100.3 per cent and complainants were so informed on October 22, 1954. Bills for July and August were paid in November, again after discontinuance notice. Bills for September, October and November were not paid until January 10, 1955 and the bill for December was not paid until April 15, 1955.

In August, 1955, complainants account having become more than six months delinquent, defendant, after due notice, discontinued water service to complainants on August 19. Complainants paid the bills in the afternoon of that day and service was re-established on the same day. From that date to the date of hearing complainants made no further payments for bills regularly rendered. Delinquency or discontinuance notices have been supplemented by a letter or letters signed by the vice-president and general manager of defendant as well as by personal visit to the premises of complainants.

We are constrained to observe that the collection of delinquent accounts is as unpleasant a task as the receipt of discontinuance notices is irksome. On the evidence before us we find nothing improper in defendant's procedures, methods or attempts to collect the sums to which it is entitled. As a matter of right, it might have physically discontinued service to complainants on a number of occasions. It did not do so, except once and then only for a portion of one day in 1955. Complainants, on the other hand, are entitled to courteous treatment, no matter what the controversy. Complainants steadfastly maintain they were treated discourteously. Defendant as stoutly maintains no discourtesy was ever extended. Such contentions cannot be resolved by us. It seems to be in the nature of humans that controversies engender oral expressions of impatience and resentment better left unsaid. Defendant should be acutely conscious of its obligations to the public and its employees should ever guard against any expression of discourtesy. Complainants should be aware that although defendant is a corporation it is composed of many individuals whose purpose must be to serve the public and that they too are entitled to courtesy from the public they serve.

The evidence is clear that the meter which complainants claim was damaged by high pressure was not in fact damaged and, further, that its accuracy was well within the limits of prescribed accuracy. We find no error or other inaccuracies in either the registration of water consumption or in the computation of complainants' bills. We find no deficiencies in the facilities or in the service rendered by defendant.

As hereinabove mentioned, a number of defendant's customers object to having the water pressure reduced. Their testimony indicates that they have relatively expensive sprinkling systems designed and installed to function properly on the pressures supplied in the Miguelito zone. Upon reduction of pressure, such sprinkling systems do not cover the areas and leave large sections unwatered. They claim that the costs of removing their present systems and installing new systems designed to operate at reduced pressures would be prohibitive and place an unreasonable financial burden upon them for the sole purpose of meeting the desires of complainants. They point out that complainants may have lower pressure by the simple expedient of installing a pressure-reducing valve on their own premises. In our opinion the position of these people has merit. We believe it to be significant that of the hundreds of premises served in the Miguelito zone, only the complainants herein have ever been of record as objecting to the pressures supplied. Nevertheless, defendant, in what seems to be an effort to appease complainants, reduced the pressure to a large section of the zone and to a great many customers. In our opinion, the major reduction in pressure put into effect on November 1, 1955, was ill advised although some minor reduction may have been warranted by defendant's long-range plans for serving the area. On the basis of "the greater good for the greater number" a reasonably high pressure seems to be warranted. Individuals who desire specialized treatment in the nature of low pressures should be advised to install individual pressure-regulating devices.

CONCLUSIONS

Based upon the evidence and in view of the foregoing discussion and findings relative thereto, it is our opinion and we hereby find that complainants have not substantiated the charges made against defendant but that to the contrary defendant has at all times served complainants properly and in accord with its regularly filed rates, rules and regulations.

Good cause appearing, therefore,

IT IS HEREBY ORDERED that the complaint herein is dismissed.

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

Dated at San Francisco, California, this 28th day of February, 1956.

John E. Mitchell
President

Justin D. Caswell
Raymond L. Anderson
R. Hardy

Commissioners

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.