

ORIGINAL

Decision No. 54525

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM RALPH MOORE, JULIAN KITCHIN, et al)

Complainants,)

vs.)

Case No. 5798)

ROBERT S. HALL, dba Forest Glen)
Water Company)

Defendant.)

Julian Kitchin, for complainants.
John H. Barber, Jr., for defendant.
Melvin L. Cohen, for Commission staff.

O P I N I O N

Nature of Complaint

In this complaint, filed July 12, 1956, six customers of Robert S. Hall (Forest Glen Water Company) seek an order of this Commission requiring improvements in the public utility water system. Complainants allege (1) that the system fails to afford them continuous water service, interruptions in delivery occurring on innumerable occasions, (2) that the system is subject to continued leaks and (3) that the utility's mains are not confined to public roads or easements but encroach on private property.

Defendant's Answer

Defendant filed no answer to the complaint. However, at the hearing defendant, through his counsel, admitted that water service is subject to interruption and that the service rendered complainants is inferior.

Public Hearing

The matter was heard before Examiner F. Everett Emerson on December 1, 1956 at Santa Cruz.

Nature of Evidence

The record in this proceeding comprises the testimony of nine witnesses and three exhibits.

Defendant's service area lies within Forest Glen Subdivisions Nos. 1, 2, 3 and 4 about one mile east of Aptos, Santa Cruz County. Defendant serves residential customers both within and without the subdivisions and has a total of about 40 service connections, approximately 36 serving customers within the subdivisions and approximately 4 connections serving eleven so-called "outside" customers. Defendant owns nearly all unoccupied lots within the subdivisions. The system is roughly divided into two parts lying to either side of Trout Gulch Creek. Complainant Fay's property lies within Subdivision No. 1. Complainant Church's property is in Subdivision No. 3. The properties of complainants Moore, Kitchin, Wikkerink and Jellison lie outside of the Forest Glen subdivisions at the eastern extremity of the utility system. All complainants are served from a 1½-inch distribution main along Trout Gulch Road.

Fay's complaint respecting continuing leakage of the water main in front of and adjacent to his property has been satisfied by the replacement of a section of the main which, from its original installation, was admittedly faulty. An extension of the utility's main, from Fay's property south and easterly to Church's property, has been installed across a lot or lots owned by Fay on which Fay desires to erect a garage. Such situation was called to the attention of defendant during April, 1956, with a request that the main be relocated to a public lane at the eastern boundary of the Fay property. No relocation has been made and the line still interferes with the full usage of the property.

Complainant Church's residence is served by means of a 1½-inch main extending from the Fay property across Trout Gulch Creek and thence easterly across a number of vacant lots. Approximately 300 feet of the line lies on top of the ground. Church complains of dirty water throughout the year, numerous leaks in the past and heated water during summer periods.

Complainants Moore, Kitchin, Wikkerink and Jellison, together with consumers named Spencer and Hasty are served by means of about 1,000 feet of 1-inch pipe connected to the utility main in Trout Gulch Road at a point near the Fay property. The ownership of the entire pipeline or its several sections or branches is not certain except in the case of Jellison who asserts ownership of the section between his residence and the Spencer residence. From the record, however, it appears that the 1-inch pipeline is a joint venture private line and is not the property of defendant. All users served by means of this line, except Spencer, complain of dirty water, numerous and lengthy interruptions of service and insufficient quantities of delivery.

Testimony respecting certain of the physical conditions of the utility system was given by a plumbing contractor who from time to time does installation and repair work on the system, by an engineer of the Commission staff and by a representative of the Santa Cruz County Health Department. Such testimony indicates that the water served meets the standards of the health department as to potability although the water is frequently turbid, that the 1½-inch main along Trout Gulch Road has become so corroded as to have a present effective diameter of only one-quarter inch and that although static pressures are generally adequate, individual residual pressures are much below normal. In so far as service to complainants is concerned, the evidence is clear that the condition of the main along Trout Gulch Road is primarily responsible for the poor water service. In the informed

judgment of this Commission this 1½-inch main, even if it were free of corrosion, is of inadequate size to provide reasonably adequate service during normal periods of maximum water usage.

Nowhere on the utility system are there outlets for flushing of the water mains and, therefore, no flushing is ever undertaken by defendant. As a result, dirt accumulates in the system and is drawn off by customers at and near the system's extremities.

The system is operated without a permit from the health department.

Defendant's primary interests lie in the real estate business and he devotes little time to his water utility operations. He admits having received complaints of no water over a period of years. His policy has been to correct emergency water situations only and he asserts that the matter of long term improvements to the water system must depend upon increased income from the system. He testified that the system had operated at a loss for several years but had returned a small profit during the year 1955. Defendant seems to be laboring under the misapprehension that capital improvements can be made only from revenues. The evidence indicates that defendant's credit standing is good and that he may readily obtain funds with which to meet the fixed capital needs of his utility operations. If revenues are insufficient to provide a return on a reasonable rate base, defendant has recourse to filing an application for increased revenues but he may not neglect his patrons or fail to supply their reasonable needs and service demands.

Conclusions

In view of the evidence we find that, in the public interest, certain specific plant additions and improvements are required and that it is reasonable to require that defendant make the additions and improvements hereinafter ordered. The Commission finds the fact to be that the facilities and services of defendant are unreasonable,

inadequate and insufficient and that public convenience and necessity require the improvement of service and facilities as directed in the order following.

After adequate utility facilities are in place and adequate pressure is made available at the respective connections of service lines to the utility's mains, if the pressures are still inadequate at complainants' outlets, complainants should undertake to increase the size of their private lines.

The placing of utility facilities on private property, while in some instances originally allowing shorter mains to be installed, is a short-sighted policy which invariably leads to costly relocations, inadequate service and greater operating expenses occasioned by the mains' inaccessibility. A poor grade of service, as in the present case of the service rendered complainant Church, generally results from not installing mains in public ways or utility easements. In addition, the laying of mains on top of the ground violates the principles of good water works practice and provides an unreasonable, inadequate and insufficient service.

The record reveals that defendant is applying his filed rates improperly by charging some annual customers at the seasonal rate. Such violations of the tariffs should immediately cease.

O R D E R

Public hearing in the matter having been held, the matter having been submitted and now being ready for decision,

IT IS HEREBY ORDERED as follows:

1. Defendant shall have installed and in proper operation by not later than May 1, 1957, a new distribution main, of not smaller than 3-inch nominal diameter of plastic pipe or its equivalent in

carrying capacity in pipe of other material, from the end of the existing 4-inch main leading from the tank to and along Trout Gulch Road to the end of the existing 1½-inch main on Trout Gulch Road, or between points 1 and 3 so marked on Exhibit No. 1 in this proceeding. The length of main to be installed is approximately 2230 lineal feet. It shall be buried with ground cover of not less than 30 inches except at the creek crossing and otherwise installed in accordance with the provisions of the Commission's General Order No. 103. All existing service connections along Trout Gulch Road shall be transferred to the new main with a minimum of service interruptions.

2. By not later than May 1, 1957, defendant shall have provided means for flushing the mains in Trout Gulch Road, Hayward Road and Valencia Road and thereafter shall flush such mains as often as necessary to maintain a clear and proper quality of water in the mains.

3. By not later than June 1, 1957, defendant shall have buried, to a depth of not less than 30 inches except at the creek crossing, the water main extending from Trout Gulch Road to the property of complainant Church and shall confine such main to public roads, ways or easements wherever possible.

4. Defendant shall forthwith apply for a permit from the Public Health Officer of the County of Santa Cruz.

5. Within ten days after compliance with each requirement as set forth in the foregoing paragraphs 1 to 4, inclusive, defendant shall advise this Commission in writing of the date on which such

compliance was effected.

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

Dated at San Francisco, California, this 11th day of FEBRUARY, 1957.

[Signature]
 President

[Signature]

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 Commissioners