

ORIGINAL

Decision No. 55046

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN BERTELLA, HAZEL EMBREY and
KATHERINE MOHN,

Complainants,

vs.

HENRY ZILZ and IDA ZILZ, husband
and wife, doing business as
JESMOND DENE WATER SYSTEM,

Defendants.

Case No. 5830

Clinton F. Jones, for complainants.
Wilmer Breeden, for defendants.
Ronald T. Kenney and John A. Cunningham,
interested parties.
Charles W. Drake, for the Commission staff.

O P I N I O N

The defendants, Henry Zilz and Ida Zilz, doing business as Jesmond Dene Water System, have authority from this Commission to render service as a public utility water corporation to domestic water consumers in an area comprising approximately 40 acres located near U. S. Highway 395 approximately four miles north of Escondido in San Diego County, California.^{1/}

The complainants herein are property owners in the defendants' water service area and reside therein. In their complaint, filed with the Commission on October 8, 1956, they allege, inter alia, that defendants have in the past refused, and

^{1/} Decision No. 38039, dated June 26, 1945, in Application No. 26719.

continue to refuse, to supply them with adequate water; that on many occasions they have been completely without water; and that defendants are supplying water to consumers outside the service area although they do not have sufficient water to satisfy the demands of consumers in the district.^{2/}

On November 8, 1956, defendants filed an answer in which they denied each of the above allegations except that they admit that they are serving water to one consumer outside the service area.

A public hearing on the complaint was held in Escondido, California, on January 23, 1957, before Examiner Kent C. Rogers, and the matter was submitted. It is ready for decision.

The System

Prior to August 9, 1956, the defendants' water supply came from two wells. On the said date the wells were disconnected from the system and that supply was replaced by a connection through a master meter located at the intersection of Moosa Canyon Drive and Jesmond Drive to an 8-inch line of the Valley Center Municipal Water District which operates the line at a pressure of between 90 and 190 pounds. The defendants are served at 85 pounds per square inch static pressure. The defendants manually close the valve each night and open it in the mornings. A 2-inch main runs from the meter a distance of 2,800 feet along Jesmond Drive and Hillcrest Avenue to a 10,500-gallon storage tank. The base of this tank is at an elevation 180 feet higher than the master meter. There is no automatic valve at the tank. There are 31 consumers

^{2/} Complainants also allege that the water is polluted, odorous and bad tasting, but this portion of the complaint was withdrawn at the hearing.

in the system. Twenty-eight of the customers have no complaints. The three complainants herein reside near the water tank. The Embrey residence is approximately 24 feet below the base of the tank, the Bertella residence is approximately 35 feet below the base of the tank, and the Mohn residence is approximately 58 feet below the base of the tank. The residence of each complainant is served directly from the 2-inch main referred to.

The Complaints

No evidence was presented by Katherine Mohn.

Mrs. Hazel Embrey testified that since the defendants have been receiving water from the municipal water district she has been without water on one or two occasions and that she had pressure readings taken at various times between October 13, 1956, and January 19, 1957, and the pressure varied between 8 and 18 pounds per square inch (see Exhibit No. 2). Her husband, Howard Embrey, testified that at the present time the water will barely run out of the tap in the mornings and the pressure is low in the afternoons.

Complainant John Bertella had charts made of the water pressure at his residence with all taps closed for the week of December 30, 1956, to January 6, 1957, the week of January 6 to January 13, 1957, and the period from January 20 to 23, 1957 (Exhibit No. 6). The charts show variances in pressure of from zero occasionally to a high of 22 pounds per square inch with the average pressure being about 15 pounds per square inch.

The Quality of Water

A representative of the San Diego County Health Department testified that the supply of water furnished by the municipal water district is potable and is sufficiently pure for domestic use.

The Defendants

Ida Zilz testified that the day after the municipal water district started furnishing water to the system it was necessary to pump the water through defendants' old well into the system and this caused the water to be cloudy, and on one occasion near the end of August, 1956, the municipal water district's power was off for 24 hours. She admitted the pressure was consistently low at the Embrey's residence. She said that John Bertella has only complained to her twice concerning the water pressure since the municipal water district commenced furnishing the water to the system. She did not know, she said, that he had been totally without water on occasions, except for the occasion when the municipal water district was without power.

The Staff's Evidence

An engineer in the Hydraulic Section of the Commission made an investigation of the system and checked the complaints. Based upon his investigation, he prepared a report and made certain recommendations (Exhibit No. 7). His evidence is summarized as follows:

Peak-hour usage for the system is estimated at one gallon per minute per customer (31 customers), or approximately 2,000 gallons per hour. At this rate of flow the storage tank can supply the system for approximately five hours. At present it is company practice to turn on the valve at the master meter until the storage tank is full, close the valve and supply the system from storage. The 85 pounds per square inch of pressure at the master meter is equal to 196 feet of head. Inasmuch as the base of the storage tank is about 180 feet above the master meter, when there is no water usage, water will flow into the storage tank. When consumers are using a total of 31 gallons

of water per minute and the water is coming from the master meter, water will not flow into the storage tank and the pressure at the Embrey residence will be about 8 pounds per square inch. When the supply of water is coming from the storage tank and the consumers are using 31 gallons per minute the pressure at the Embrey residence will be about 7 to 10 pounds per square inch (Chart No. 1, Exhibit No. 7). The loss in pressure through the main can be decreased by reducing the flow of water or by enlarging the size of pipe. The first 500 feet of 2-inch pipe from the meter to the first take-off at Willow Lane must carry the entire supply of water for the system and as a result its pressure drop is greatest. This pressure drop can be reduced by increasing the size of the main. The static pressure from the municipal district supply line at the master meter is inadequate to supply the complainants with the 25 pounds per square inch pressure deemed by this Commission to be the minimum reasonable pressure (General Order No. 103). The existing system is not adequate to supply water to any additional customers.

The staff witness made two recommendations, either of which will give the complainants water at the minimum pressure standards prescribed by the Commission. In both instances the witness recommended that the defendant (1) install a 10-gallon per minute booster pump set to operate at between 30 and 40 pounds per square inch gauge and a 500-gallon pressure tank between the storage tank and the complainants' residences, and (2) install an altitude valve in the storage tank allowing the supply through the line meter to be left on at all times. In addition, the defendants should make one of the following two changes in the

Embrey and Bortolla services: (a) run a separate 2-inch line from the booster pump to the Embrey residence and a separate 2-inch line to the Bortolla residence, (B) run a single 4-inch main from the booster pump to the Embrey and Bortolla residences.

Method A does not allow for any future consumers on the hilltop, and method B will permit a few additional customers to be served.

The staff witness estimated the costs of the two plans outlined above to be as follows:

	<u>Method A.</u>	<u>Method B</u>
600 feet of 2-inch main in place	\$ 320	-
500 feet of 4-inch main in place	-	\$ 650
10-gallon per minute booster pump and motor	200	200
500-gallon pressure tank	225	225
Altitude valve	<u>150</u>	<u>150</u>
	\$ 895	\$1,225

The engineer stated that before any new consumers are added to the system a 4-inch line should be run from the master meter to Willow Lane a distance of 500 feet. This is estimated to cost \$1.25 per foot.

After the conclusion of the hearing the defendants were requested to advise the Commission which, if either, plan of improvement as above outlined they would be willing to install. On April 27, 1957, the defendants advised the Commission, by letter, that they are willing to carry out plan A referred to above.

The defendants will be required to improve the system in accordance with plan A, subject to the instructions that they may not serve additional consumers above Willow Lane without authority in writing from this Commission, and that they may not

commence service to any new consumers on or below Willow Lane until an additional line, 4 inches or greater in diameter, has been run from the master meter to Willow Lane. The complaints concerning the quality of the water and service outside the service area will be dismissed, the former on agreement of the parties and the latter for the reason that defendants have not been restricted to service in a particular area.

O R D E R

A public hearing having been held and evidence presented thereat and good cause having been shown,

IT IS ORDERED:

1. That defendants, Henry Zilz and Ida Zilz, doing business as Jesmond Done Water System, shall forthwith commence the installation of improvements in their water system pursuant to the following plan and shall complete the installation thereof and put said improvements into operation within 120 days after the effective date of the order herein. Defendants shall file with this Commission monthly reports showing the progress of all work being done until after the said improvements have been installed and put into operation:

- a. In close proximity to the defendants' storage tank, install a booster pump and electric motor unit capable of delivering at least ten gallons per minute, and a hydropneumatic tank of not less than 500-gallon capacity in connection therewith and having automatic controls set to operate the booster at pressures between 30 and 40 pounds per square inch.
- b. Connect the pressure tank and booster pump to the reservoir with suitable pipe not less than 4 inches in diameter and run a 2-inch line from the pressure tank to the service connection at the Embrey residence and a

separate 2-inch line from the pressure tank to the service connection at the Bertella residence.

- c. Disconnect the Embrey and Bertella service connections from the existing 2-inch main and connect them to the corresponding new 2-inch lines from the pressure tank.
- d. Install a suitable altitude valve at the storage tank so that the valve at the master meter location may be left open at all times, except in case of emergencies.

2. That defendants shall serve no additional consumers, until they shall have first installed a 4-inch or larger main extending from the master meter to at least as far as Willow Lane, parallel to the existing 2-inch main and connected to the system.

3. That defendants shall not install any new or additional water mains or service connections for supplying new customers, other than those required to be installed by ordering paragraphs 1. and 2. herein, unless and until they shall have first submitted in writing to this Commission detailed plans for supplying such new customers and the method of financing the proposed installations required therefor, and then not until the Commission, upon such showing, shall have modified this order.

4. That within sixty days after the effective date of this order, defendants shall file in quadruplicate with this Commission up-to-date rules governing relations with their customers, together with a tariff service area map acceptable to this Commission and in accordance with General Order No. 96. Said rules and tariff service area map shall become effective on five days' notice to the Commission and to the public after filing as herein provided.

5. That defendants shall file, within ninety days after the effective date of this order, four copies of a comprehensive map

drawn to an indicated scale not smaller than sixty feet to the inch, delineating by appropriate markings the various tracts of land and territory served, the sources of water supply, storage and distribution facilities, and the location of the various properties of the defendants.

6. That all future construction, additions or replacements in defendants' system shall be in strict conformance with General Order No. 103.

7. That except to the extent of the relief granted in the immediately preceding paragraphs of this order, the complaint herein be and it is dismissed.

The effective date of this order shall be twenty days after service thereof, either personal or by registered mail, upon the defendants or either of them.

Dated at Los Angeles, California, this 28th day of May, 1957.

(Signature)
President
(Signature)
(Signature)
(Signature)

Commissioners

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