

ORIGINAL

Decision No. 55367

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THE MOUNTAIN PROPERTY OWNERS
ASSOCIATION, an unincorporated
association, CARL F. MENKE,
ELLA BURMEISTER, WILLIAM MILLER,
KARL STROBEL, C. J. C. SHARPE,
JESSE R. IRELAND, BURTON FLEMING,
FRED RAHM, CORA B. DOSS and
FRED AUERBACHER,

Complainants,

vs.

LURING PINES WATER COMPANY,

Defendant.

Case No. 5835

Lonergan & Jordan, attorneys, by A. M. Sessions,
for complainants.

Richard E. Saulcove, attorney, for defendant.

James G. Shields, for the Commission staff.

O P I N I O N

The Mountain Property Owners Association, an unincorporated association, Carl F. Menke, Ella Burmeister, William Miller, Karl Strobel, C. J. C. Sharpe, Jesse R. Ireland, Burton Fleming, Fred Rahm, Cora B. Doss, and Fred Auerbacher filed the above-entitled complaint on October 18, 1956, against Luring Pines Water Company. Inadequate and insufficient water supplies, insufficient tank and storage facilities, insufficient size or number of mains, location of mains too close to the

surface of the ground, lack of maintenance of water system facilities, insufficient water pressures, numerous outages of water, and continued additions of new consumers by defendant were complained of.

The complaint was answered by Luring Pines Water Company by Raymond A. Luring, owner, on November 8, 1956.

A public hearing on this matter was held before Examiner Stewart C. Warner on June 13, 1957, at Running Springs in the San Bernardino mountains.

Motion To Dismiss

Defendant's counsel moved that the complaint be dismissed on the grounds (1) that no jurisdiction was shown in the complaint, and (2) that the complaint does not conform to Rule 10 of the Commission's Rules of Procedure requiring that the names and addresses of complainants be shown on a complaint when filed.

Complainants did fail to name Luring Pines Water Company as a public utility under the jurisdiction of this Commission, but their counsel offered as a part of the record, by reference, Decision No. 42127, dated October 11, 1948, in Application No. 29457, which granted a certificate of public convenience and necessity to Raymond A. Luring, an individual, doing business as Luring Pines Water Company under a fictitious title,¹ and which granted to said individual authority to file tariffs, and which defined the certificated area as including Tracts Nos. 2276 and 2553, but denied the application for a certificate covering Tracts Nos. 2919 and 3339, - all of said tracts being situated in the County of San Bernardino. Said decision was received in evidence as Item No. 1. It is thus evident that defendant is subject to the jurisdiction of this Commission, and the motion to dismiss on that ground is denied.

¹ Hereinafter referred to as defendant.

Complainants' counsel filed at the hearing a list of complainants together with their addresses, and said list was admitted in evidence as Exhibit No. 2. It appears that the spirit of Rule 10 has been complied with, and defendant's motion to dismiss on that ground is denied.

Allegations of Complainants

Complainants alleged, and their witnesses testified, that they had been without water on the days of August 14 and 15, 1956, and over the 1956 Labor Day weekend; that such water shortages had caused them great inconvenience and had resulted in losses of rentals of properties; that water had been carted in by defendant in unsanitary tank trucks; that defendant's springs and sources of water supply had been improperly and inadequately maintained; that water tanks and pipes had been in need of repair and replacement; that their properties were located in Tracts Nos. 2919 and 3339 to which water service was being furnished by defendant, despite the fact that Application No. 29457 (supra) to serve said tracts had been specifically denied by the Commission by Decision No. 42127 (supra); that defendant has continued to add customers to its water system; that defendant was planning to furnish water service to three or four new consumers at the present time; that water served in Tract No. 2919 had a petroleum or asphalt odor which, they alleged, came from the water mains installed in said tract by defendant; that the water had an oily consistency which discolored basins, sinks, and toilets; and that, in some instances, these unsavory conditions had disappeared within recent months following the flushing of the mains by defendant and following more use of water by complainants from such mains.

A series of 46 colored slides was shown on a screen and described for the record, showing the poorly maintained condition of the water system as of the date of the filing of the instant complaint, or prior thereto.

Testimony of Defendant

Defendant generally admitted certain shortcomings of his water system and service to consumers, especially over peak-load weekends during the year 1956. He testified that upon learning of water shortages, or imminent shortages, he had instructed his employees to have water hauled in by tank trucks to fill reservoirs which were being depleted by unusually heavy demands of water users.

Defendant testified that new sources of water supply had been developed during the winter of 1956; that pipe lines had been covered and lowered in depth; that tanks and reservoirs had been waterproofed and repaired; and that he intended to increase storage facilities at the highest distribution levels.

Staff Report

Exhibit No. 4 is a memorandum report on an investigation by the Commission staff into this complaint. It shows that approximately 30 customers are being served by defendant in Tracts Nos. 2919 and 3339 (supra); that water service is being provided to approximately 23 customers at pressures less than the minimum prescribed by the Commission's general orders; that accurate records of the peak usage are not available due to the fact that defendant does not read meters in accordance with his filed tariffs; that the use of vertical wells instead of horizontal wells is not desirable in this mountain resort area;

that meters have not been but should be installed for Luring Pines Mountain Club and for Luring Pines Lodge; and that adequate supply of water for present customers exists if existing storage facilities are properly maintained and operated, but that additional storage should be added prior to providing service to any additional customers.

A Commission staff engineering witness recommended that defendant place a hydropneumatic pressure tank and booster pump at the location of the "High Tanks" (from which essentially all water is distributed) in order to provide adequate operating pressures for the complainants whose properties are more or less in the vicinity and at a point on a slightly lower level than said high storage tanks.

Findings and Conclusions

The Commission finds as a fact and concludes that defendant is operating as a water corporation as defined in Section 2701 of the Public Utilities Code, and as a public utility as referred to in Sections 216 and 241 of said Code, in Tracts Nos. 2276 and 2553, and also in portions of Tracts Nos. 2919 and 3339 by virtue of an extension of his water system to and into said last mentioned Tracts (Section 1001 of the Public Utilities Code).

The Commission further finds as a fact and concludes that defendant should serve and continue to serve all consumers in said Tracts Nos. 2919 and 3339, currently connected to his water system, in accordance with his current tariff presently on file in the office of the Commission, and at the rates specified therein, until further order of the Commission.

The Commission further finds as a fact and concludes that defendant and his water system have reached the limit of the capacity of said system to supply water and that no further consumers of water

can be supplied from said system without injuriously withdrawing the supply wholly or in part from those who have heretofore been supplied by defendant, and therefore defendant should and will be ordered and required not to furnish water to any new or additional consumers or to effect any further or new connections to his system whatsoever until further order of the Commission (Section 2708 of the Public Utilities Code).

The Commission finds as a fact and concludes that the water pressures to complainants and property owners in the vicinity of the "High Tanks" have been inadequate even when water supplies have been partially available in defendant's high storage tanks, and that defendant should be ordered to install a hydropneumatic pressure tank at the location of the high storage tanks, together with a booster pump, to increase the water pressures in that portion of defendant's service area.

The Commission finds as a fact and concludes that defendant has not complied with its filed tariffs by not placing meters on the service connections to the Luring Pines Mountain Club and Luring Pines Lodge; that defendant should place such meters immediately; and that meters have not been read in accordance with defendant's filed tariffs.

The order which follows will provide that defendant shall comply with the above findings of fact, and shall report to the Commission in writing as hereinafter specified.

The order which follows will further provide that defendant shall keep a record of all water outages and complaints of water service, and shall submit a monthly report thereof in writing to the Commission.

O R D E R

Complaint of The Mountain Property Owners Association, et al., against Luring Pines Water Company having been filed as hereinbefore stated, a public hearing having been held, the matter having been submitted and now being ready for decision,

IT IS HEREBY ORDERED:

1. That Raymond A. Luring, doing business as Luring Pines Water Company, defendant herein, is a water corporation operating as a public utility, as defined and referred to in the Public Utilities Code, in Tracts Nos. 2276, 2553, and portions of Tracts Nos. 2919 and 3339 in the County of San Bernardino, State of California.

2. That said defendant shall serve and continue to serve all consumers currently connected to his water system in Tracts Nos. Nos. 2919 and 3339, in accordance with his current tariff presently on file in the office of the Commission and at the rates specified therein until further order of the Commission.

3. That the water system of said defendant has reached the limit of its capacity to supply water and that no further consumers of water can be supplied from said system without injuriously withdrawing the supply, wholly or in part, from those who have heretofore been supplied by said defendant and that said defendant shall not furnish water to any new or additional customers or effect any further or new connections to his water system now operating in Tracts Nos. 2276, 2553, 2919 and 3339, in the County of San

Bernardino, State of California, nor effect any extension of said system whatsoever until the further order of this Commission.

4. That said defendant shall not effect any extensions to his water system as now operating in said Tracts Nos. 2276, 2553, 2919 and 3339 until further order of the Commission.

5. That said defendant shall, within 120 days after the effective date hereof, install a hydropneumatic tank and booster pump in the immediate vicinity of the high storage tanks of his water system, which shall be of sufficient capacity to provide adequate water pressures at all times to his consumers in the vicinity of said high storage tanks, and shall report to the Commission in writing within 10 days after his compliance with this order.

6. That said defendant shall, within 30 days after the effective date hereof, place meters on the service connections of Luring Pines Mountain Club and Luring Pines Lodge, and shall report to the Commission in writing within 10 days after his compliance with this order.

7. That said defendant shall, after the effective date of this order, read all meters and bill all customers in accordance with the provisions of his filed tariffs.

8. That said defendant shall keep a record of all water outages, of whatsoever nature, indicating their cause, and length of time thereof in minutes and hours with date of occurrence, together with a list of all complaints of water service made to defendant in

writing by any customer, and shall file a report thereof in writing with the Commission, monthly, for a period of two years hereafter.

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

Dated at San Francisco, California, this 5th day of August, 1957.

W. E. [Signature]
 President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner Ray E. Untereiner being necessarily absent, did not participate in the disposition of this proceeding.