

Decision No. 56846**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

H. R. LICHTMAN, )  
 Complainant, )  
 vs. )  
 C. E. STEIDTMANN, )  
 Defendant. )

Case No. 5975  
 (Petition for Modification)

H. R. Lichtman, complainant, in propria persona.  
Sobrante Water Company, by C. E. Steidtmann,  
defendant.  
Clyde F. Norris, for the Commission staff.

OPINION MODIFYING DECISION NO. 56159

Petitions For and Against Modification of Decision

By Decision No. 56159 dated January 28, 1958, in the above-entitled complaint against C. E. Steidtmann, president of Sobrante Water Company, the utility was ordered to extend domestic water service to complainant's property "in accordance with the provisions of the utility's Rules No. 15-B and No. 16 now on file with this Commission; provided, however, that the complainant shall not be required to advance the cost of any portion of a water main in excess of two inches in diameter."

By formal petition filed on April 23, 1958, defendant Sobrante Water Company requested the Commission to modify the said decision in two essential respects, as follows:

1. To eliminate the provision of the ordering paragraph partly quoted above which, in effect, requires that the amount to be advanced by the complainant is to be determined on the basis of a main extension not exceeding two inches in diameter.
2. To extend the time within which defendant may comply with the decision after it has been modified, as above requested.

As reasons for its requested modification of the decision, defendant alleges that (a) believing that a two-inch main extension would serve complainant, the utility took bids on that basis and was ready to install the two-inch main when, on April 21, 1958, complainant called to defendant's attention the applicable provisions of the Commission's General Order No. 103 and further stated that he felt the planned two-inch extension would be inadequate; (b) defendant believes that the Commission does not seek to penalize other customers by requiring extraordinary capital outlay to install a four-inch main to serve one new customer while there are over 15,500 feet of smaller mains and no four-inch mains in the system serving 107 customers; and (c) the defendant does not have funds to extend the main in conformance with General Order No. 103.

On May 9, 1958, complainant Lichtman filed a formal petition requesting that there be no modification of Decision No. 56159. In opposing such modification, while admitting that many of the utility's existing mains are too small, he maintained that this condition should not be continued in the future. Complainant further stated that on April 16, 1958, he had advanced to the utility an amount of \$635 and that by the terms of the Commission's order the water service should have been completed on May 17, 1958.

#### Public Hearing

A public hearing in this matter was held before Examiner E. Ronald Foster in San Francisco on May 29, 1958, at which time further evidence was adduced and the matter was submitted for decision.

#### Nature of Further Evidence

The record shows that the measured distance along Rudo Road from the nearest corner of complainant's property to the

utility's existing facilities at Six Corners is 496 feet. The complainant having made due application for water service to his property some time in February and after the exchange of some correspondence between the two parties and with the Commission, on April 15 the complainant received a letter from defendant dated April 11, 1958, informing him that his share of the cost of the main extension would be \$635. This was based on the total estimated cost of \$730 for 496 feet of two-inch galvanized screw pipe, after making allowance for an extension of 65 feet of main, the cost of which would be borne by the utility, as provided in its main extension Rule No. 15-B.

With his letter dated April 16, addressed to the utility, the complainant forwarded his check for the amount of \$635 and asked that the installation be made as soon as possible. In another letter to the utility, dated April 21, the complainant referred to General Order No. 103 and pointed to the inadequacy of the proposed two-inch main extension to serve the number of customers who might be served from it. The defendant then filed the petition for modification of Decision No. 56159 as hereinbefore described.

Based on more accurate evidence introduced at the hearing, it appears that the last sentence on page seven of the opinion in the mimeographed Decision No. 56159 is erroneous and that it should read as follows:

"The elevation of said building is about 30 feet lower than that at Six Corners which in turn is about 30 feet lower than the 30,000 gallon storage tank located some 200 feet northwesterly from Six Corners, making a total difference in elevation of about 60 feet, equivalent to a static pressure of about 26 pounds per square inch."

A pump at the 30,000-gallon tank boosts water to the 5,000-gallon storage tank, some 90 feet higher in elevation, located just westerly of the intersection of lines indicating property

belonging to St. Clair, Steidtmann, Day and Ingroff. The pipeline between the two tanks is two-inch diameter from the pump to Six Corners, where a check valve is installed, and then reduces to one and one-quarter inches in diameter until near the upper tank where it becomes two inches in diameter again. The proposed main extension to complainant is to be connected to the two-inch pipe at Six Corners on the pump side of the check valve. Therefore, the static pressure at complainant's building at the southerly end of Rudo Road will vary from about 26 pounds per square inch, when the pump is not running, to perhaps 95 pounds per square inch when the pump is in operation. It does not appear feasible to supply water to the complainant's property from the upper 5,000-gallon tank.

The evidence shows that the proposed main along Rudo Road, if further extended, could serve the 3.8 acres presently belonging to complainant on the lower west side of said road; this acreage could be subdivided into four homesites under present county zoning laws, thus making a possibility of four customers to be served from such further extension. If the small piece of property located between Rudo Road and Snake Lane, at one time but not presently supplied through a meter located at Six Corners, should in the future be supplied by a service from the 496-foot extension herein proposed, there would be a possible total of five customers supplied through such initial extension.

The land on both sides of Rudo Road lies on steep hillsides which do not encourage extensive gardening or intensive cultivation. Also, the terrain is such that the acreage properties mentioned in Decision No. 56159 as belonging to Jaure or to Blake and Miller, lying on the upper east side of Rudo Road and directly across that road from complainant's property, cannot be supplied with water at adequate pressure from the presently proposed or

future main extension along Rudo Road; these properties will probably eventually be supplied from a tank or tanks located at the site of the existing 5,000-gallon tank, previously described, through a future pipeline to be laid along Monte Circle lying above the said properties.

At the conclusion of the hearing, the complainant and defendant agreed that a three-inch diameter pipeline extended from Six Corners along Rudo Road would adequately supply water to all customers who might be served from such extension within the foreseeable future. In order to expedite the installation, complainant then offered to immediately install the 496-foot extension to consist of three-inch, 150-pound asbestos-cement pipe, including certain fittings, at a contract price of \$955, which offer was accepted by defendant. The two parties agreed to draw up a suitable contract that day, in accordance with certain conditions to which they both stipulated their understanding and consent. Of the total contract price of \$955, the defendant will bear the cost of \$126 for installing 65 feet and the complainant will, in effect, advance the remaining cost of \$829, which latter amount is refundable to the complainant in accordance with the utility's Main Extension Rule No. 15. The defendant will install the necessary service and meter as provided in the utility's Rule No. 16.

Findings and Conclusions

On the basis of all of the evidence before us in this proceeding, the Commission now finds as a fact and concludes that the proposed installation of a main extension 496 feet long consisting of three-inch diameter, 150-pound, asbestos-cement pipe, is essentially in accordance with the requirements of the Commission's General Order No. 103 and should be permitted, with due and careful consideration of the existing conditions hereinbefore described.

The Commission now further finds as a fact and concludes in view of the further evidence now before us, notwithstanding a conclusion and finding previously expressed in Decision No. 56159, that it is not unreasonable to require complainant to advance the cost of a portion of a water main in excess of two inches in diameter. Otherwise, the findings and conclusions reached in said Decision No. 56159 are hereby affirmed.

ORDER MODIFYING DECISION NO. 56159

Complaint of H. R. Lichtman against C. E. Steidtmann, president of Sobrante Water Company, and answer thereto having been filed; a public hearing having been held and Decision No. 56159 dated January 28, 1958, having been rendered therein; a petition for modification of said decision having been filed by defendant, a public hearing thereon having been held and the matter having been submitted for decision; and based upon the findings and conclusions contained in the foregoing opinion, the order in said Decision No. 56159 is hereby modified to read as follows:

IT IS ORDERED that:

1. Complainant herein having made due application for water service, within thirty days after said complainant shall have advanced the required amount of money to a proper representative of Sobrante Water Company, the said utility shall install a pipeline three inches in diameter to extend domestic water service to complainant's property on Rudo Road in Monte Verde at a point approximately 496 feet from the utility's existing facilities at Six Corners, such extension of service to be in accordance with the provisions of the utility's Rules No. 15 and No. 16 now on file with this Commission.

2. Complainant and defendant herein having entered into a written agreement or contract covering the installation by the complainant of the water main extension described in the foregoing paragraph 1, within ten days after the effective date of this order Sobrante Water Company shall file with this Commission a certified copy of said agreement or contract.




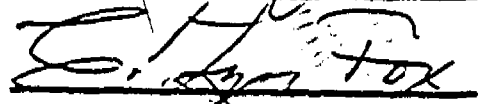

3. Sobrante Water Company shall notify this Commission in writing when the main extension and customer's service and meter to serve complainant have been installed and placed in operation, within twenty days thereafter, which notice shall include such details as the location of the meter, the length of main extension actually installed and the total cost thereof, and the date when service was first made available to complainant through the completed installation.

4. Within thirty days after the effective date of this order, Sobrante Water Company shall file with this Commission, in conformity with General Order No. 96, four copies of an up-to-date tariff service area map acceptable to this Commission and made to include at least the property of complainant Lichtman on the westerly side of Rudo Road in Monte Verde. Such tariff service area map shall become effective upon five days' notice to the Commission and to the public after filing as hereinabove provided.

5. Except to the extent of the relief granted in the preceding paragraphs of this order, the complaint herein be and it is dismissed.

The effective date of this order shall be the date of service by registered mail of a copy of this decision on defendant at his place of business as such address is shown on the records of this Commission.

Dated at San Francisco, California, this 17<sup>th</sup> day of June, 1958.

  
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President  
  
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Commissioners