

ORIGINAL

Decision No. 56884

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

W. H. BROCKMANN,

Complainant,

vs.

SMITHSON SPRINGS WATER CO.,  
a corporation,

Defendant.

Case No. 5720

Investigation on the Commission's own motion into the practices, operations, management, contracts, charges, extensions and water supply of the SMITHSON SPRINGS WATER COMPANY, a public utility water corporation operating in the County of San Bernardino, California.

Case No. 5803

William S. Schwartz, for Smithson Springs Water Co., respondent in Case No. 5803 and defendant in Case No. 5720.

W. H. Brockmann, complainant in Case No. 5720.

Sam E. Taylor, for Sam E. Taylor, Carl Spitz, and Mrs. W. H. Heineran, protestants.

Max A. Kipf, for Desert Springs Chamber of Commerce; C. H. Halligan, for Pine View Resorts; Raymond Arthur Young, in propria persona; R. T. Russell and Helen Russell, for C. E. Trimble; interested parties.

Donald B. Steger, for the Commission staff.

OPINION ON REHEARING

By Decision No. 55843 dated November 19, 1957, this Commission added to the service area of the Smithson Springs

Water Company a tract of land consisting of 40 acres and described as the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 19, T4N, R7W, San Bernardino Base and Meridian.

Additionally, by that order the Commission declared certain areas known as the Grettenberg-Trimble properties to be outside the service area of the Smithson Springs Water Company, and further that those properties should not receive water from the utility when there are less than 300,000 gallons of water in the storage tanks of the water system.

Petitions for rehearing were filed by Maude C. Trimble, the owner of the Trimble property, by William S. Schwartz, who is the owner of the Grettenberg property and also the principal owner of the Smithson Springs Water Company, and by 32 customers of the water system.

A public hearing was held on April 24, 1958, before Examiner Grant E. Syphers at Phelan, California, at which time evidence was adduced and the matter submitted. It now is ready for decision.

The further testimony presented discloses that the 40 acres of land which were added to the service area of the Smithson Springs Water Company by Decision No. 55843, supra, are occupied by two parties, one, a Mr. Carl Harrington who has been a resident of the area for many years, and the second, a Mr. Raymond Arthur Young, who purchased some property from Harrington. Harrington presently owns 12 acres and Young owns 8 acres. There are no other residences in this 40-acre area and the water required by Carl Harrington and Raymond Arthur Young is only for domestic household use. Both of these parties testified that the only water requirements they now have are as above indicated, and that each would be satisfied with one water connection.

Accordingly, the ensuing order will provide that the Smithson Springs Water Company furnish domestic water to the houses of Harrington and Young on a metered basis, and the requirement that the 40 acres be included in the service area will be canceled.

The further testimony disclosed that while the Grettenberg-Trimble properties are large ranches, the water service desired is only for domestic uses for two ranch houses. Each house has received such water service for a number of years. While testimony presented in the hearing resulting in Decision No. 55843, supra, indicated that large quantities of water were being received through the Grettenberg-Trimble meter, the testimony at this hearing shows that the two ranch houses are not users of large quantities of water. It appears that the large quantities of water which went through the meter resulted from broken pipes. This condition now has been remedied.

While we now reaffirm our findings made in Decision No. 55843, and specifically that finding which holds that a utility must serve all customers within its service area to the reasonable limits of its facilities, and while it is clear that the Grettenberg and Trimble ranch houses are outside of the service area, nevertheless the facts indicate and we now find that these ranch houses are entitled to water for domestic use. In making this finding we are aware that the Grettenberg-Trimble properties are at the low elevation of the water system, and

further that the Grettenberg properties are owned by the owner of this water system. The evidence indicates that there is one meter inside the service area which registers the water going to the Grettenberg property. In addition, there is a second meter which connects the Grettenberg line with a line going to the Trimble property.

There is no contrary testimony in this record to that which stated that the large quantities of water used through these meters resulted from broken pipes; however, we observe that these broken pipes did result in less water being available for the other users of the system; and further, that they were under the control of the owner of the system. The record also discloses that at certain times of the year there is an inadequate supply of water to meet the desires of all of the customers; therefore, it would be inequitable to permit any user to receive an extra large supply of water at the expense of the other customers of the system.

In order that the customers within the utility's service area will have some assurance of continuous water service, the service to the Grettenberg and Trimble ranches must be limited to only domestic use. Applicant will be required to submit reports every three months for a period of three years of the amount of water supplied to said ranches.

ORDER ON REHEARING

Decision No. 55843 dated November 19, 1957, having been issued, petitions for rehearing having been filed and an

order granting rehearing having been issued, public hearing having been held thereon and the Commission being fully advised in the premises,

IT IS ORDERED:

(1) That Paragraph (2) of the order of Decision No. 54551, dated February 19, 1957, requiring that service to two customers (Harrington and Young) be disconnected and Paragraph (1) of the order of Decision No. 55843, dated November 19, 1957, adding certain territory to the certificated area of the Smithson Springs Water Company, be, and they hereby are canceled. In lieu thereof, the Smithson Springs Water Company is hereby ordered to furnish domestic water only on a metered basis, to the house presently occupied by Carl Harrington and the house presently occupied by Raymond Arthur Young, both of which are located in the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 19, T4N, R7W San Bernardino Base and Meridian, and that no other water service shall be provided by the Smithson Springs Water Company to this area.

(2) That Paragraph (2) of Decision No. 55843, dated November 19, 1957 be, and it hereby is, canceled. In lieu thereof, the Smithson Springs Water Company shall furnish only domestic water service for use at the ranch houses on the Grettenberg and Trimble ranches on the presently metered basis. Further, that the Smithson Springs Water Company shall advise the Commission in writing every three months of the amount of water delivered to Grettenberg-Trimble properties during the quarterly periods ending on the first day of January, April, July, and October within ten days thereafter and for a period of three years.

(3) That Smithson Springs Water Company:

- (a) Shall not furnish water for swimming pools during the months of July and August of each year and during any other periods of water shortage.

(b) Shall refile, within ten days after the effective date of this order and in conformity with General Order No. 96, its presently effective Schedule No. 1, General Metered Service, to revise Special Condition 2 and add Special Condition 3, as follows:

"2. Water haulage service is available only to those customers actually receiving such service on the effective date of this schedule. If and when any such customer terminates his haulage water service, no new customer shall replace him.

"3. No water will be furnished for swimming pools during the months of July and August of each year and during any other periods of water shortage."

Such rate schedule shall become effective upon five days' notice to the Commission and to the public after filing as hereinabove provided.

(4) That in all other respects the provisions of the order of Decision No. 55843 be, and they hereby are, affirmed.

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

Dated at San Francisco, California, this 24th day of June, 1958.

[Signature]  
President

[Signature]

[Signature]

[Signature]

Theodore J. Turner  
Commissioners