

Decision No. 57277

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HOWARD S. STRINGER,

Complainant,

vs.

ALFRED E. AND MARY Z. AUGENSTEIN
BUCKINGHAM PARK WATER COMPANY,

Defendant.

Case No. 6120

Howard S. Springer, complainant, in propria persona.
Alfred E. Augenstein, defendant, in propria persona.
Alrae Olsen, for Department of Veterans Affairs,
Division of Farm and Home Purchases, interested
party.
John D. Reader, for the Commission staff.

O P I N I O N

Complaint

The above entitled complaint was filed May 26, 1958, requesting an order of the Commission directing the water utility to furnish the complainant with water at his meter on Lot 23, Block P of Subdivision No. 1, Buckingham Park, at a pressure of 30 pounds per square inch at all times. The complaint alleges, in effect:

1. That Alfred E. and Mary Z. Augenstein furnish water as a public utility to properties of Buckingham Park Subdivisions in Lake County, California.
2. That the complainant, Howard S. Springer, owns Lots 22 and 23, Block P, of Subdivision No. 1, Buckingham Park.

3. That the water pressure at complainant's meter on Lot 23 is 17 pounds per square inch when the water tank is completely full and that the tank is not filled automatically and is allowed to get quite low at times.
4. That the low pressure does not give adequate protection in case of fire and is not sufficient for domestic use.

Service of the complaint was made upon defendants on June 10, 1958, but no formal answer thereto was filed.

Public Hearing

A public hearing on this matter was held before Examiner E. Ronald Foster at Kelseyville, Lake County, on July 25, 1958, at which time evidence was adduced and the matter submitted for decision. At the hearing Decisions No. 52007 and No. 55139, dated October 4, 1955, and June 18, 1957, respectively, in Application No. 36575, involving the transfer and certification of this water utility to the defendants herein, were incorporated in the record of the present proceeding by reference as Items "A" and "B" respectively.

History of the Utility

The initial portion of the water system was constructed in 1931 to serve Unit 1 of Buckingham Park and additional water facilities were installed in Unit 3 when that portion of the tract was developed in 1947, at which times the properties were owned by Buckingham Colonies, Limited, a corporation.

Application No. 36575, filed December 21, 1954, as amended March 10 and July 11, 1955, requested authority for Buckingham Colonies, Limited, to sell the water system at Buckingham Park on the southerly shores of Clear Lake, near Kelseyville in Lake County, to Alfred E. and Mary Z. Augenstein, who joined in the application and

who also requested a certificate of public convenience and necessity and authority to establish rates for water service. After a public hearing had been held, the Commission issued its Decision No. 52007 on October 4, 1955, which authorized the transfer, granted a certificate of public convenience and necessity to Alfred E. Augenstein and Mary Z. Augenstein, established rates and rules pertaining to the service to be rendered and, among other things, ordered the new owners to install certain automatic water level controls. By letter dated November 16, 1955, from Buckingham Colonies, Limited, the Commission was advised that the transfer of the water system had been completed November 3, 1955.

In accordance with the provisions of Decision No. 52007, on November 18, 1955, Alfred E. Augenstein, as owner, filed rates and rules pertaining to services of Buckingham Park Water System which became effective November 22, 1955.

By formal petition filed May 13, 1957, Alfred E. Augenstein and Mary Z. Augenstein, doing business as Buckingham Park Water Company, requested modification of Decision No. 52007 to delete the requirements for installation of the automatic water level controls. That request was granted by Decision No. 55139 dated June 18, 1957.

Description of the System

Water for the system is drawn from Clear Lake by means of a 5-horsepower electric motor driven pump. After filtration and chlorination, a manually operated 10-horsepower electric motor driven pump delivers the water through the distribution mains and boosts it into a 25,000-gallon steel storage tank^{1/} located on lot 23

^{1/} Hereinafter sometimes referred to as the lower tank.

of block N about 245 feet above the lake level. With the booster pump running, by manipulation of valves at the lower tank, water may be further elevated to fill a 10,000-gallon redwood tank^{2/} located on lot 16 of block P, which is the highest point in the subdivision. Measured along the 4-inch pipeline supplying the upper tank, it is across the county road about 1,000 feet distant from the lower tank and some fifty feet higher than the lower tank.

Water from these tanks is distributed through approximately 23,000 feet of mains ranging from 6 to 2 inches in diameter. The lower tank is capable of supplying most of the service area and a 4-inch pipeline from it is laid in a northerly direction on the east side of the county road which passes complainant's property. The upper tank is necessary in order to serve lots at the higher elevations and service is rendered from it through 4-inch pipelines laid on the east side of the road, extending in both southerly and northerly directions. The northerly extension connects with the previously described 4-inch line from the lower tank through a shut-off valve which is normally kept closed. At this point a service line laid across the road provides service from the upper tank to two meters on lots 20 and 21 of block P.

Nature of Evidence

The location of the meter through which water is furnished to complainant's house on lot 23 of block P, in relation to the two storage tanks and the distribution piping, is shown on the sketch map introduced in this proceeding as Exhibit No. 1. This map shows complainant's meter supplied by a 1-inch pipe laid across the county road and connected to the 4-inch main from the lower tank at a point about 400 feet from the valve which connects that pipeline with the one supplied from the upper tank. The evidence reveals that the

^{2/} Hereinafter sometimes referred to as the upper tank.

maximum pressure available at complainant's meter, under the existing arrangement, is about 17 pounds per square inch when the lower tank is full of water and is correspondingly less when the tank is not full. Such pressures do not meet the minimum requirement of 25 p.s.i. prescribed by the Commission's General Order No. 103 and as indicated in part B of Rule No. 2 of the utility's tariff schedules filed with the Commission.

Complainant testified that he bought lot 23 of block P about the middle of 1953 but that he was unable to obtain a veteran's loan with which to build a house thereon until the Veterans Administration had been assured that water service would be provided by a recognized public utility as anticipated by action on the above mentioned Application No. 36575. As the result of negotiations with Lee Saulter (sometimes spelled Salter), who was the local superintendent and real estate agent for Buckingham Colonies, Limited, complainant was provided with a so-called temporary connection to the 4-inch main at the location heretofore described. Complainant claims that the 1-inch pipeline across the road was installed at his own expense. The connection was completed sometime after November 1, but prior to November 23, 1955, which is the date of a canceled check for \$10 exhibited by complainant signed by him and made payable to Lee Saulter. The check had been endorsed by Lee Saulter and again by Buckingham Colonies, Limited, and complainant understood it was to cover the cost of materials used in making the water connection. At that time Saulter told complainant that the water system was in the process of being transferred to a new owner and that he should see defendant Augenstein about a permanent connection. It may be noted here that the transfer of the system to defendants had been completed on November 3, 1955, about the same time that the temporary connection was made and prior to the date of the check.

Shortly thereafter defendants installed a meter on complainant's service, at which time complainant pointed out that the available pressure was insufficient to satisfactorily supply water to a lawn sprinkler system, as well as for other purposes. To remedy the insufficiency, defendant claims that he offered to furnish the pipe if complainant would dig the ditch approximately 400 feet long to connect complainant's service with the pipeline from the upper tank, which offer was not accepted. Having had no success in his efforts to obtain service from the utility at satisfactory pressure, complainant has sought relief through the Commission.

Possibilities of Satisfying the Complaint

The record in this proceeding reveals that the water service to complainant from the utility's lower tank is available at a maximum pressure of 17 pounds per square inch. The record also shows that service to complainant can be rendered from the utility's upper tank at a pressure of approximately 35 p.s.i., or more when said tank is kept reasonably full of water.

Analysis of the record indicates that service to complainant from the utility's upper tank can be provided by the installation of a pipeline of suitable size, approximately 400 feet long, extending from the existing 4-inch line connected with the upper tank to the existing 1-inch service pipe supplying complainant's meter. This extension would enable the utility to supply water from the upper tank to at least six additional lots which would receive water at inadequate pressures if supplied with water from the lower tank. Such an extension, if constructed, must be installed in accordance with the requirements of the Commission's General Order No. 103.

However, it appears that a simpler and less expensive satisfaction of the complaint is feasible. The arrangement of the piping is such that it appears practical to utilize the existing mains to provide service from the upper tank to complainant's property. This might be done by the manipulation of existing valves, or, if a valve does not presently exist on the 4-inch line extending from the lower tank northerly along the county road past complainant's property, the installation of a gate or check valve on this pipeline near the lower tank is all that would be required. Furthermore, this rearrangement of the valves on the existing pipelines would provide higher pressures to all existing and potential new customers located along the county road in the vicinity of complainant's property and northerly thereof, thus materially improving such service.

It is further suggested and recommended that the defendants now reconsider the advisability of installing automatic water level controls in order to keep the two tanks reasonably full at all times. This applies particularly to the upper tank which has a capacity of only 10,000 gallons and which will be used to supply more customers than heretofore, as a result of the order which follows. Compared with the saving in time for the operator of the system and the resulting improvement in service, it would be relatively inexpensive to install a pump of suitable capacity at the lower tank which could function to keep the upper tank supplied with water by means of an automatic water level control switch.

Findings and Conclusions

In view of all of the evidence before us in this proceeding, the Commission finds as a fact and concludes that water service rendered by defendants to complainant's property is now and always

has been inadequate and insufficient as to the pressure available at complainant's meter since service was commenced in November, 1955; that defendants have been aware of such conditions at least since, and probably before, they actually assumed possession and control of the water system in November, 1955; and that greatly improved service to complainant's property, as well as to other property near by, can be provided from defendants' existing facilities at a cost which is not unreasonable in relation to the potential acquisition of new customers.

When the certificate of public convenience and necessity to operate this public utility water system was granted to the defendants, they acquired certain duties and responsibilities, as well as rights and privileges in connection therewith. Therefore, the Commission further finds as a fact and concludes that it is the obligation of defendants to render adequate service to the complainant herein and that it is reasonable to require defendants to provide such service at their own expense.

The order which follows will require the defendants to provide water service to complainant's property in accordance with the above findings of fact.

O R D E R

Complaint of Howard S. Springer against Alfred E. and Mary Z. Augenstein, doing business as Buckingham Park Water Company, having been filed, a public hearing having been held, the matter having been submitted and now being ready for decision based upon the findings and conclusions contained in the foregoing opinion,

IT IS ORDERED that within thirty days after the effective date of this order, defendants Alfred E. Augenstein and Mary Z. Augenstein shall, at their own expense, provide water service to

complainant's meter on Lot 23, Block P of Buckingham Park Subdivision No. 1, located on the southerly shores of Clear Lake, near Kelseyville in Lake County, at the pressure available from defendants' upper tank, as such tank is identified and described in the foregoing opinion.

IT IS FURTHER ORDERED that said defendants shall notify this Commission in writing within ten days after the necessary facilities have been installed and placed in proper operation to render such service, which notice shall include such details as a description of the manner in which the service was effected, the actual cost thereof, and the date when service was first made available to complainant as required in the preceding paragraph of this order.

Except to the extent of the relief granted in the immediately preceding paragraphs of this order, the complaint herein is hereby dismissed.

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

Dated at San Francisco, California, this 2nd day of September, 1958.

E. L. Fox
President
W. Mitchell
William J. ...
Theodore ...
Commissioners

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