

ORIGINAL

Decision No. 62825

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SLIDE INN IMPROVEMENT ASSOCIATION,)
 Complainant,)
 vs.)
 J. R. MILLS and GWENDOLYN MILLS,)
 Defendants.)

Case No. 5801

Appearances at the further hearing on August 25, 1961:
Lucien Berthier and Walter A. Zipser, for complainant.
Hardin and Gorgas, by E. L. Gorgas, for defendants.
Edmund J. Texeira, for the Commission staff.

O P I N I O N

Decision No. 61110, dated November 22, 1960, the last of several previous decisions in the above-entitled proceeding, ordered defendants, doing business as Slide Inn Water Company, briefly as follows:

1. Within 55 days thereafter, to file four copies of a revised and up-to-date comprehensive map showing the territory served and the various principal components of their water system properties.
2. Within 85 days thereafter, to submit a detailed written report programming the replacement of undersized mains and the elimination or minimizing of dead ends in the distribution system, together with any additions, improvements or modifications to the water supply, storage and distribution facilities contemplated to be done prior to December 31, 1961, including the proposed installation of facilities necessary to extend service to a certain 3-acre parcel of land in the northwest corner of the service area.

The order in the said decision retained in full force and effect the requirements of the ordering paragraphs in Decision No. 59185 in this case, dated October 20, 1959, except to the extent that such requirements had already been accomplished; among other things, defendants were precluded from extending water service to any consumer not served by them on or before July 30, 1959 (determined from later data submitted by defendants to be about 70 in number) without further order of the Commission. Case No. 5801 was continued pending further appropriate action by the Commission.

Necessitated by defendants' dilatory and incomplete compliance with the Commission's orders, a further public hearing on this complaint was held before Examiner E. Ronald Foster at Sonora on August 25, 1961. The matter was again taken under submission, subject to the receipt of late-filed Exhibit No. 33 to be filed on or before September 25, 1961, which exhibit was to show the results of tests of the sanitary quality of the water in applicants' four wells. The said exhibit has not been received and in lieu thereof the order herein will require applicants to supply the necessary information.

On May 1, 1961, or about 160 days after Decision No. 61110 was issued, the Commission received copies of a report dated April 22, 1961, prepared by defendants' engineer. In addition to summarizing the water supply and storage facilities now available, the engineer recommended that an existing 10,000-gallon tank be moved from the west side to the east side of the state highway, that the 2-inch pipeline crossing the highway be replaced with 4-inch pipe and that interconnecting lines of 2-inch pipe be laid to eliminate dead ends in three areas shown on the map attached to the report. The engineer

estimated the cost of these improvements to be as follows:

Moving 10,000-gallon R.W. tank, plus connections	\$ 500
230 ft. of 4" concrete-lined, wrapped steel pipe laid across highway, including two valves	955
1,700 ft. of 2" plastic pipe, including seven valves	<u>2,266</u>
Subtotal	\$3,721
Contingencies - 10%	<u>372</u>
Total Estimated Cost	\$4,093

The engineer added his opinion that upon completion of the improvements, approximately 40 additional customers could be supplied by the system.

Four copies of the map required by ordering paragraph 1 of Decision No. 61110 were filed with the Commission on August 2, 1961. Additional letters and overdue reports from defendants were received by the Commission on May 17, June 19 and August 18, 1961, including quarterly reports for the period August 15, 1960, to August 15, 1961, in further partial compliance with Decision No. 59185.

The following basic information has been obtained from the reports, as supplemented by testimony of defendant J. R. Mills at the hearing:

(a) There is a total nominal supply of 40 gallons of water per minute available to the system by means of electrically operated pumping units at the following locations:

Well No. 1, rated at 10 gpm.
Well No. 3, rated at 10 gpm.
Well No. 4, rated at 20 gpm.
(Dug well No. 2, rated at 20 gpm subject to possible contamination and the water from which must be chlorinated, is held for use only under emergency conditions. In compliance with requirements of the State Health Department, this well has been made less subject to contamination.)

(b) Storage for the system now aggregates 62,000 gallons, consisting of a 40,000-gallon redwood tank on the hillside west of the state highway and a 12,000-gallon steel tank and a 10,000-gallon

redwood tank on the hillside east of the highway, all three tanks having been installed at the same elevation.

(c) An additional 10,000-gallon tank has been installed at a still higher elevation, in the extreme northwest corner of the service area to supply a three-acre parcel which may be subdivided into about six lots. Water for this purpose will be taken from the 40,000-gallon tank and delivered through a two-inch pipeline, about 300 feet long, by means of a booster pump; neither the pipeline nor pump has been installed.

(d) Approximate maximum usages of water have been as follows:

45,000 gallons on Sunday, September 4, 1960.
20,000 gallons on Sunday, January 1, 1961.
30,000 gallons on Wednesday, February 22, 1961.
40,000 gallons on Tuesday, July 4, 1961.

(e) During the past two years there has been only one day when sufficient water was not available for all customers.

(f) The minimum amount of storage in the tanks during the past year was 20,000 gallons.

(g) The emergency pump at the dug well (No. 2) was not used from August 15, 1960, to August 7, 1961, inclusive.

(h) Due to diminution of the water supply in wells No. 3 and No. 4, and temporary packing trouble in the pump at well No. 1, it became necessary to operate the pump at well No. 2 for five hours each day from August 8 to 15, inclusive, in order to maintain proper storage in the tanks. It is estimated that the dug well produces only 10 gpm at the present time, although the pumping unit is rated at 20 gpm. It was contemplated that it would be necessary to use water from well No. 2 during the 1961 Labor Day weekend, and then no more this year.

(i) The cost of the proposed improvements can be financed out of defendants' personal funds derived from past and future sales of land within the service area.

(j) The elimination of the existing dead ends by the installation of two-inch pipelines, totaling about 1,700 feet, was promised to be completed before the end of the year 1961.

(k) The installation of 230 feet of four-inch pipe across the highway was promised to be completed on or before June 30, 1962.

(l) The defendants' engineer's map filed with his report shows about 375 feet of 1½-inch pipe to be replaced with two-inch pipe in 1962; this was not included in his cost estimate, however.

The improvements to defendants' water supply, storage and distribution facilities, already made and as proposed to be made as shown on the engineer's map, a copy of which was introduced as Exhibit No. 34, are satisfactory, according to the Commission staff representative at the hearing. Assuming a well supply of 40 gpm and with 62,000 gallons storage, he estimated that the system would be sufficient to supply water to approximately 140 customers for a peak holiday period of four days.

A representative for complainant stated that at a meeting held on July 23, 1961, the Slide Inn Improvement Association voted that it is now willing to allow defendants to supply water service to all lots in the service area as shown on the map included as Chart 1-A in the Commission staff report previously received in this proceeding as Exhibit No. 21. That map is substantially the same as Exhibit No. 34 and shows approximately 105 potential services or lots as originally proposed to be supplied with water. That number does not include three areas marked for future development, which areas defendants plan to subdivide into about 17 more lots, including six in the three-acre parcel in the northwest corner of the service area, previously mentioned. Thus, the total service area appears to involve a total of between 120 and 125 lots.

Included in the original subdivision are four lots, marked "B", "C", "R" and "S" on the map, Exhibit No. 34, upon which new homes are in various stages of being built. Water service is available to all four of these lots from existing facilities and service connections, but such service has been refused because of the restriction in force against defendants. One home is owned by a Mr. L. Camoirano who testified that he is now living in the completed building and that he desires service as soon as possible. Unusual circumstances pertaining to the purchase of his lot account for the fact that he did not check the possibility of obtaining water service prior to commencing construction.

Defendants do not have measuring devices installed on the outlet piping of the pumping units at any of their wells by means of which the capacities of the individual wells can be accurately determined or the amounts delivered therefrom can be recorded. The record herein shows that the capacities of all four wells have fallen somewhat below their nominal rated capacities as hereinbefore set forth, as a result of unusually warm weather during the current summer season and less than normal precipitation during the past two or three seasons. Paragraph II.4 of the Commission's General Order No. 103 requires that:

- "a. Measuring Devices. Each utility shall install a suitable measuring device, or otherwise determine production, at each source of supply in order that a record may be maintained of the quantity of water produced by each source.
- "b. Records. At least once each month, the quantity produced from each source of supply shall be determined. Twelve-month totals by sources shall be recorded and transmitted to the Commission in the utility's annual report to the Commission."

Findings and Conclusions

Based upon the evidence, the Commission finds and concludes as follows:

1. That defendants have increased the water supply available to their system, by the drilling of more wells and by providing additional storage capacity, to the extent that the former restriction should be lifted to permit extension of service to some additional customers.

2. That the distribution system has not been improved sufficiently to enable adequate water service to be rendered to the total potential number of customers within the service area.

3. That defendants are financially able to make further improvements and that they should be required to install and place in operation certain additions and betterments to their water system.

4. That the sources of supply have deteriorated an unknown amount due to unusually warm weather and deficient precipitation during the past two or three years.

5. That defendants should now be required to install suitable measuring devices on their several sources of supply as a means of determining the productive capacities of the said sources and of recording the amounts of water actually delivered from each source.

6. That defendants should be required to have tests made of the sanitary quality of the water in each of their four wells and to file copies of the results thereof with the Commission.

7. That defendants should not be permitted to extend service to the new development in the northwest corner of the service area until those additional facilities, which are necessary to render reasonably adequate service to the area to which service was originally dedicated, have been installed and placed in operation.

O R D E R

A further public hearing having been held and basing its order on the findings and conclusions set forth in the foregoing opinion,

IT IS HEREBY ORDERED:

1. That on or before December 31, 1961, defendants J. R. Mills and Gwendolyn Mills, doing business as Slide Inn Water Company, shall have installed and placed in operation approximately 1,700 feet of pipe having an inside diameter of not less than two inches, including the necessary valves and fittings, to interconnect existing water mains and thereby eliminate the dead ends in the three areas indicated on the map filed as Exhibit No. 34 in this proceeding. Within thirty days after the completion thereof, defendants shall file with the Commission a written report indicating the date when each unit of such facilities was placed in operation and the actual cost thereof.
2. That on or before June 30, 1962, said defendants shall have installed and placed in operation:
 - a. Approximately 230 feet of pipe having an inside diameter of not less than four inches, including the necessary valves and fittings, to be laid across the Sonora-Mono State Highway No. 108, to interconnect with the existing water mains on both sides of said highway, as indicated on the map, Exhibit No. 34 herein.
 - b. Approximately 375 feet of pipe having an inside diameter of not less than two inches, including the necessary valves and fittings, to replace the existing 1½-inch water main in the northwesterly portion of defendants' service area, as indicated on the map, Exhibit No. 34 herein.
 - c. A suitable measuring device at each of the four existing sources of water supply, and at any new source which may be developed in the meantime, by means of which the production capacity of each source can be determined and the amounts delivered therefrom can be recorded.

Within thirty days after completion thereof, defendants shall file with the Commission a written report indicating the date when each unit of such facilities was placed in operation and the actual cost thereof.

3. That said defendants shall not install the pipeline, booster pump or other facilities necessary to deliver water from the 40,000-gallon storage tank to the 10,000-gallon tank recently installed to supply the three-acre parcel in the northwest corner of defendants' service area, prior to the installation and placing in operation of all of the facilities required by the preceding paragraphs 1 and 2 of this Order.

4. That paragraph 1.a of the Order in Decision No. 59185, dated October 20, 1959, shall be deemed rescinded and that in lieu thereof:

- a. On or after the effective date of this Order, in addition to those consumers served on or before July 30, 1959, approximately 70 in number, defendants are authorized to extend water service to not more than 15 new customers; such new and additional customers may include, but are not to be limited to, those located on the four lots marked "B", "C", "R" and "S", on the map, Exhibit No. 34 herein.
- b. Upon completion and placing in operation of all of the facilities required to be installed by the preceding paragraphs 1 and 2 of this Order, defendants are authorized to furnish water service to not more than 110 customers, all of whom shall be located within the area as defined on the service area map now on file with this Commission.
- c. When the number of customers reaches 110, or on or before January 1, 1964, whichever is earlier, defendants shall report to the Commission in writing the number of customers then receiving water service.

5. That, not later than fifteen days after the effective date of this order, defendants shall have tests performed by a competent laboratory or public health authority to determine the sanitary

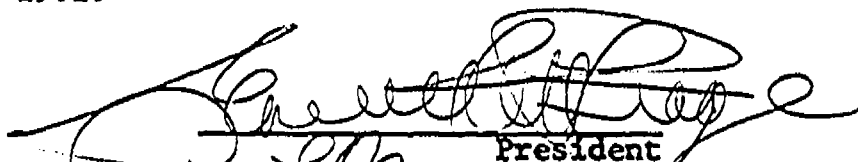
quality of the water produced at each of their four wells and, within ten days after the receipt by defendants of the reports showing the results of such tests, defendants shall file with the Commission two true copies of each of the said reports.

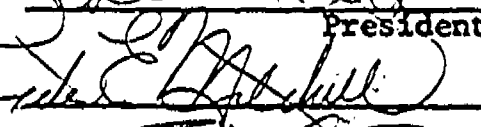
6. That defendants are relieved of further compliance with the requirements of paragraph 2.b of the Order in the said Decision No. 59185.


The Secretary is directed to cause a certified copy of this decision to be served upon each defendant, and to mail copies to the appearances at the last hearing in this proceeding.

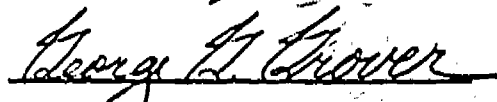
The effective date of this order shall be ten days after the date hereof.

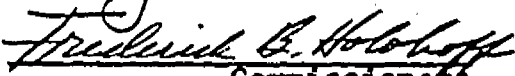
Dated at San Francisco, California, this 21st day of March, 1961.



President








Commissioners