

Decision No. 69359

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CITIZENS OF WEST PARLIER,  
 )  
 Complainants,  
 )  
 vs.  
 )  
 WALKER WATER CO. AND  
 COLONY WATER FUND,  
 )  
 Co-Defendants.  
 )

Case No. 8052  
(Filed October 27, 1964)

M. E. SMITH, for Citizens of West Parlier, complainants.  
ERNEST H. TUTTLE, for Walker Water Company, defendant.  
W. B. STRADLEY, for the Commission staff.

O P I N I O N

This is a complaint by thirty-one residents of West Parlier against the Walker Water Co. and the Colony Water Fund. Complainants allege that there are various deficiencies in the water service which they receive from the defendants.

A duly noticed hearing was held in this proceeding before Examiner Jarvis on February 9, 1965 at West Parlier, and the matter was submitted on that date.

The record discloses that the named defendants are two separate entities which operate separate water systems in West Parlier. The two systems are not interconnected. The record also indicates that the Colony Water Fund was an interim, de facto successor to the Whitener Heights Water Company. The Commission, by Decision No. 65895 in Applications Nos. 44838 and 44024, revoked the certificate of public convenience and necessity acquired by Manuel and Dolores Madrid, the last owners of Whitener Heights Water Company, and granted a new certificate to Aram Atmajian to operate the system. Atmajian

was not served with a copy of the complaint herein, did not receive notice of the hearing and did not appear at the hearing. In the circumstances, the Presiding Examiner correctly ruled that the Commission may not enter an order affecting Atmajian in this proceeding and he limited the presentation of evidence to matters involving Walker Water Company. Matters relating to the Colony Water Fund will not be considered.

Walker Water Company is a fictitious name under which Mrs. Hazel Walker Swengle owns and operates the public utility water system here involved. Mrs. Swengle acquired complete ownership and control of the system under the terms of a property settlement agreement with her former husband. However, the tariffs and many of the records of the system were not turned over to her. Some of the complaints against Mrs. Swengle relate to rates and charges assessed or contemplated. Of course, Mrs. Swengle is entitled to assess and collect only the rates and charges which have been authorized by the Commission and appear in her tariffs. (Public Utilities Code §§ 454, 455, 489, 491, 729.)

Some of the complaints concerning rates and charges relate to situations involving discontinuance of service. It appears that Mrs. Swengle has exhibited considerable forbearance in collecting past due and delinquent accounts. On or about January 1, 1965, Mrs. Swengle determined to collect the delinquent accounts and to enforce more rigorously the rules permitting her to discontinue service for nonpayment of bills. The customers of Walker Water Company should pay their bills on time and they have no grounds for complaint if, when they are delinquent, Mrs. Swengle discontinues service in accordance with her tariffs.

The primary complaints against Walker Water Company are (1) insufficient pressure and (2) sand often found in the tap water. Several customers testified that they had low pressure and that, on occasion, some of them encountered sand or rust in the tap water. They indicated that the problem of low pressure most often occurred in the summer. Witnesses on behalf of Walker Water Company testified that most of the houses served by the company had internal piping of unreamed 1/2-inch diameter galvanized pipe and that, on many occasions, they observed customers leaving hose bibs running untended for prolonged periods of time. A sanitarian for the Fresno County Health Department testified that he took monthly samples of the company's water; that, bacteriologically, the water supply was consistently good; that on occasion he observed low water pressure in a customer's home; and that while there might occasionally be some sand in the water, he did not consider this to be a significant problem.

A Commission staff engineer testified that he made a field investigation of the water system here involved; that many of the customer-owned service lines and internal piping were 1/2-inch in diameter; that there were some pressure problems in the system; and that, insofar as the system was concerned, these problems could be eliminated by adjusting the operating pressure of the pumps, fencing pump control equipment to discourage tampering, and installing certain new mains at least 4-inches in diameter. The staff engineer indicated that if the recommended improvements were made, any remaining pressure problems would be due to the small size pipe in the customers' homes. The staff engineer also testified that the occasional problem of sand or rust in the water could be remedied by installing certain fire hydrants or flush valves to permit the flushing of mains.

At the hearing it appeared that some of the problems between complainants and Mrs. Swengle have resulted from a failure of communication. The main reason for such lack of communication was that, at the time of hearing, Mrs. Swengle conducted the operations of the system from her home in Fresno and had no local representative in West Parlier to collect money and handle complaints. At one time collections were handled by the local bank, but this arrangement was discontinued because the customers complained of the limited number of hours the bank was open. Mrs. Swengle then made arrangements for a local market to handle collections, but after a period of time the market declined to continue the arrangement. The staff engineer recommended that Mrs. Swengle obtain a local representative in West Parlier. Mrs. Swengle indicated that she did not object to this recommendation and would attempt to find such a representative.

No other points require discussion.

The Commission makes the following findings and conclusions:

Findings of Fact

1. Various portions of the public utility water system operated by Mrs. Swengle have low operating pressures. This condition could be improved by:

- a. Adjusting the pump controls to increase the minimum operating pressure of the 15-hp pump located on Wrico Avenue to 40 psi.
- b. Adjusting operating pressure of the 20-hp pump on Mulberry Lane to operate compatibly with the pump on Wrico Avenue.
- c. Installing approximately 1,000 feet of at least 4-inch inside diameter main from the 6-inch main on Mulberry Lane near the well northerly to connect with the 1½-inch plastic pipe serving 10 customers in the unnamed private street between Mulberry Lane and Young Avenue, thence easterly to Mendocino Avenue, thence northerly to Young Avenue, thence westerly to connect with the present terminus of the 4-inch distribution main on Young Avenue.

- d. Installing a tee at Mendocino and Young Avenue.
- e. Installing approximately 500 feet of at least 4-inch inside diameter main from the tee at Mendocino Avenue and Young Avenue northerly to Ann Avenue, thence westerly to connect with the present terminus of the distribution main on Ann Avenue.
- f. Constructing a fence around Wrico Avenue well and pump control equipment adequate to discourage access to these facilities by unauthorized persons.

2. On occasion, the water furnished by Mrs. Swengle to her customers contains sediment consisting of sand or rust. This condition could be improved by:

- a. Installing a flush valve on the small diameter main at the south end of Milton Street.
- b. Installing a flush valve at the end of the main on the unnamed private street between Mulberry Lane and Young Avenue.
- c. Installing a wharf type fire hydrant or flush valve on the main at the intersection of Young Avenue and Mendocino Avenue.

3. Cleaning or treating the exterior of the Wrico Avenue pressure tank in an acceptable manner to remove or neutralize the accumulation of rust thereon and applying a recognized rust inhibitive paint to the exterior of this tank should be accomplished.

4. The rendition of satisfactory service to Mrs. Swengle's customers requires that she retain a representative in West Parlier to receive routine or emergency calls relating to the water system. Such representative should be available without undue delay and capable of making or promptly arranging for minor repairs in the system. All customers should be informed in writing when such representative has been appointed.

5. The rendition of satisfactory service to Mrs. Swengle's customers requires that, upon the installation of hydrants or flush valves, Mrs. Swengle initiate a regular program for the periodic flushing of dead-end mains.

Conclusions of Law

1. Mrs. Swengle should be ordered to:
  - a. Adjust the pump controls to increase the minimum operating pressure of the 15-hp pump located on Wrico Avenue to 40 psi.
  - b. Adjust operating pressure of the 20-hp pump on Mulberry Lane to operate compatibly with the pump on Wrico Avenue.
  - c. Install approximately 1,000 feet of at least 4-inch inside diameter main from the 6-inch main on Mulberry Lane near the well northerly to connect with the 1½-inch plastic pipe serving 10 customers in the unnamed private street between Mulberry Lane and Young Avenue, thence easterly to Mendocino Avenue, thence northerly to Young Avenue, thence westerly to connect with the present terminus of the 4-inch distribution main on Young Avenue.
  - d. Install a tee at Mendocino and Young Avenue.
  - e. Install approximately 500 feet of at least 4-inch inside diameter main from the tee at Mendocino Avenue and Young Avenue northerly to Ann Avenue, thence westerly to connect with the present terminus of the distribution main on Ann Avenue.
  - f. Construct a fence around Wrico Avenue well and pump control equipment adequate to discourage access to these facilities by unauthorized persons.
  - g. Install a flush valve on the small diameter main at the south end of Milton Street.
  - h. Install a flush valve at the end of the main on the unnamed private street between Mulberry Lane and Young Avenue.
  - i. Install a wharf type fire hydrant or flush valve on the main at the intersection of Young Avenue and Mendocino Avenue.
  - j. Clean or treat the exterior of the Wrico Avenue pressure tank in an acceptable manner to remove or neutralize the accumulation of rust thereon and apply a recognized rust inhibitive paint to the exterior of this tank.
2. Mrs. Swengle should be ordered to retain a representative in West Parlier to receive routine or emergency calls relating to the water system. Such representative should be available without undue

delay and capable of making or promptly arranging for minor repairs in the system. All customers should be informed, by written notice, of the representatives, name, address, telephone number, duties and responsibilities.

3. Mrs. Swengle should, upon the installation of hydrants or flush valves as herein provided, initiate a regular program for the periodic flushing of dead-end mains.

Mrs. Swengle should file with the Commission a tariff service area map showing all of her service area and should prepare and maintain a copy of the map required by Paragraph I.10.a. of General Order No. 103 and also should file two copies of the map with the Commission.

O R D E R

IT IS ORDERED that:

1. Within one year after the effective date of this order Hazel Walker Swengle, doing business as Walker Water Company, shall:
  - a. Adjust the pump controls to increase the minimum operating pressure of the 15-hp pump located on Wrico Avenue to 40 psi.
  - b. Adjust operating pressure of the 20-hp pump on Mulberry Lane to operate compatibly with the pump on Wrico Avenue.
  - c. Install approximately 1,000 feet of at least 4-inch inside diameter main from the 6-inch main on Mulberry Lane near the well northerly to connect with the 1½-inch plastic pipe serving 10 customers in the unnamed private street between Mulberry Lane and Young Avenue, thence easterly to Mendocino Avenue, thence northerly to Young Avenue, thence westerly to connect with the present terminus of the 4-inch distribution main on Young Avenue.
  - d. Install a tee at Mendocino and Young Avenue.
  - e. Install approximately 500 feet of at least 4-inch inside diameter main from the tee at Mendocino Avenue and Young Avenue northerly to Ann Avenue, thence westerly to connect with the present terminus of the distribution main on Ann Avenue.

- f. Construct a fence around Wrico Avenue well and pump control equipment adequate to discourage access to these facilities by unauthorized persons.

Hazel Walker Swengle shall inform the Commission, in writing, within ten days after complying with each portion of this ordering paragraph.

2. Within 18 months after the effective date of this order

Hazel Walker Swengle, doing business as Walker Water Company, shall:

- a. Install a flush valve on the small diameter main at the south end of Milton Street.
- b. Install a flush valve at the end of the main on the unnamed private street between Mulberry Lane and Young Avenue.
- c. Install a wharf type fire hydrant or flush valve on the main at the intersection of Young Avenue and Mendocino Avenue.
- d. Clean or treat the exterior of the Wrico Avenue pressure tank in an acceptable manner to remove or neutralize the accumulation of rust thereon and apply a recognized rust inhibitive paint to the exterior of this tank.

Hazel Walker Swengle shall inform the Commission, in writing, within ten days after complying with each portion of this ordering paragraph.

3. Hazel Walker Swengle, doing business as Walker Water Company, shall, on the first Monday of the sixth month after the effective date of this order and on the first Monday of each month thereafter, file with the Commission a report of the action she has taken to comply with Ordering Paragraphs 1 and 2 of this order, until she has complied with all of said ordering paragraphs.

4. Within thirty days after the effective date of this order Hazel Walker Swengle, doing business as Walker Water Company, shall retain a representative in West Parlier to receive routine or emergency calls relating to the water system. Mrs. Swengle shall inform all customers in writing when such representative has been appointed, giving his name, address, telephone number, duties and responsibilities. Said representative shall be capable of making



or promptly arranging for minor repairs to the system. Hazel Walker Swengle shall inform the Commission in writing within ten days after complying with this ordering paragraph.

5. Hazel Walker Swengle, doing business as Walker Water Company, shall, after she has complied with Ordering Paragraph 2 of this order, initiate a regular program for the periodic flushing of dead-end mains.

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

Dated at San Francisco, California, this 27th day of JULY, 1965.

Fredrick B. Holmquist  
President

John L. Mitchell

George L. Crover

Auguston

William L. Bennett  
Commissioners