

ORIGINAL

Decision No. 69513

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Property owners of Pinon Hills, et al,)
 Complainant,)
 vs.)
 Smithson Springs Water Company,)
 Defendant.)

Case No. 8039
(Filed October 13, 1964)

Samuel Taylor, for complainants.
Charles W. Drake and William
Schwartz, for defendant.
Ide Keeler, for San Bernardino
 County Health Department,
 interested party.
Jerry J. Levander, for the
 Commission staff.

O P I N I O N

By Decision No. 68642, dated February 24, 1965, in the above case, the Commission ordered, among other things, that:

"1. Defendant, Smithson Springs Water Company, shall within thirty days after the effective date of this order rehabilitate its source of supply, collection galleries and collector pipes by removing all root growth and accumulated sediment so that a full flow of water is reestablished and shall report to the Commission, in writing, within ten days after the completion of such work."

"5. Defendant shall investigate any other sources of supply and shall report the results of such investigation, in writing, to the Commission on or before June 1, 1965."

On July 8, 1965, the complainants filed a petition to reopen for further hearing.

On July 14, 1965, the Commission reopened the matter for further hearing (1) to determine whether and to what extent defendant has complied with the order of the Commission contained in Decision No. 68642; (2) to determine whether serious service problems exist in the area served by defendant's water system; and (3) to determine whether defendant has neglected the operation and management of the water system.

A hearing on the reopened complaint was held before Examiner Rogers in Pinon Hills on July 26, 1965, and the matter was submitted.

Evidence was presented by a Hydraulic Branch staff engineer. He found the following deficiencies in the system:

1. Collector box No. 2 had not been sealed above the outlet pipe and the collection system.
2. Collector box No. 3 did not show any evidence of sealing nor of cleaning out and opening up the collector pipe located in the southwest corner of the box.
3. Collector box No. 4 had root growth in the bottom of the box and no seal in the spaces in the wall of the box above the outlet pipe.
4. Collector box No. 5 had a root growth in the southwest corner of the box and a broken cover in the top of the box.
5. In collector box No. 6, sediment was not cleaned in the bottom of box and spaces were not sealed in the wall of the box.

6. At collector dam No. 7, there was no evidence of work to clean out and open up old collector pipes in the upstream face of dam.

He also testified that:

1. Previous field inspections by a staff engineer had discovered a small excavation in the east branch of the main canyon between collection boxes Nos. 5 and 6 where water came to the surface and wasted into the canyon from approximately May 1, 1965 to July 1, 1965. This minor excavation had been lined with rocks at the point where water collected and wasted into the canyon, but no work was evident by which defendant had made any attempt to divert this supply into the system of collector pipes or transmission mains.

2. An excavation measuring approximately 30 inches wide by 48 inches long by 24 inches deep was dug in the west wall of the canyon between collector boxes Nos. 2 and 3. Water was standing in this excavation to a depth of 23 inches for a period of 45 days. As of July 16, 1965, a temporary cover of metal and wood had been placed over this excavation, but no construction of a collector box or pipe to divert this water into the system was in evidence.

3. Between collector boxes Nos. 3 and 4 there is a heavy growth of willow bushes on the east wall of the canyon which growth has been in existence since May, 1965, and as of July 16, 1965, no work toward removal of this growth had taken place. Between collector boxes Nos. 5 and 6 there is a heavy growth of grass and weeds which was in existence at the beginning of the inspection periods and had not been removed as of July 16, 1965.

4. An inspection indicated that the sand trap in the canyon located on the transmission main below collector box No. 7 is leaking. The staff engineer could find no purpose being served by this sand trap. It is his opinion that this sand trap can be eliminated by bridging the inlet and outlet pipes with a new section of pipe approximately 27 inches long.

The engineer stated that: (1) The defendant has not complied with prior orders of the Commission and such non-compliance is the principal reason for the failure of water service in the area, and (2) even if immediate compliance with prior Commission orders is effected, system storage has been depleted to the point that an adequate source of supply will not be available in the summer and fall months of 1965 and there will be continued failures of service unless the present supply is supplemented with imported water.

Defendant's latest annual report filed with this Commission on May 4, 1965, shows that, as of December 31, 1964, it had \$7,336 cash on hand and, in addition to revenues from the operation of the system, which operation, disregarding depreciation, showed an annual excess of revenues over expenses of approximately \$750, it had an income from nonutility operations of \$2,538 for the calendar year 1964.

The defendant called as a witness Mr. Spencer, who has been hired since the first of the year to attempt to operate the system. He testified that he is working for the defendant one day per week and that he has done certain work around the system in cleaning out the collection boxes and prospecting for

additional sources of water. He stated that he has found one spot where he believes he could secure an additional three to five gallons per minute of water, but that it would take him ten days to two weeks to excavate this hole or well; that this work would cost \$500, and that the full flow from the existing system has been developed. The witness also stated that he did not know that cleaning out the plants would increase the volume of water; that the only instruction he has had from Mr. Schwartz is to get more water; and that he cannot remove all the weeds at the springs because he is only paid by defendant for one day of work on the system per week.

Mr. Schwartz, appearing on behalf of the defendant, testified that he is the majority stockholder of the defendant; that he has hired Mr. Spencer and a Mr. Johnson in an attempt to improve the water supply; that he also contacted a horizontal well driller who is exploring for water; that this horizontal well driller is supposed to begin working the last of July or the first of August; that he told Mr. Spencer to clear the canyon of weeds and to keep the lines free from weeds and that he will pay Mr. Spencer for all of the work that he does. He also stated water for use in the system could be secured from Phelan, about five miles from Pinon Hills, and he will have such water delivered.

Upon the record herein, the Commission finds that:

1. Defendant, Smithson Springs Water Company, has failed to remove root growth and accumulated sediment in its sources of supply and collection galleries and collector pipes and as a result thereof the full supply of water from the springs is not

being delivered to the storage tanks of the defendant; that by Decision No. 68642, dated February 24, 1965, in Case No. 8039, this Commission ordered that the defendant rehabilitate its sources of supply, collection galleries, and collector pipes by removing all root growth and accumulated sediment.

2. By said Decision No. 68642, this Commission ordered that defendant, on or before March 1, 1966, and on or before March 1 of each year thereafter, repeat such rehabilitation work as described in paragraph 1; that defendant has not yet performed such rehabilitation work.

3. Decision No. 68642 ordered that defendant investigate any other sources of supply and report the results of such investigation in writing to the Commission on or before June 1, 1965. Defendant has found an additional source of supply, but has failed to report it to this Commission or to take any steps to develop such additional source of supply.

4. Due to failure on the part of defendant to comply with Decision No. 68642, defendant's storage has been depleted to the point that an adequate supply of water will not be available in the summer and fall months of the year 1965 and there will be continued failures of service unless the present supply is supplemented by imported water.

5. Defendant has the financial ability to develop additional sources of supply and has the financial ability to import and provide additional water by hauling water. That water is available if hauled from Phelan, a distance of approximately five miles.

The Commission concludes that defendant should forthwith take steps to rehabilitate its system and import water during the shortage. The following order will so provide.

C R D E R

IT IS ORDERED that:

1. Defendant shall, within five days from the effective date of this order, cut the tree growth in the canyon to a distance of 50 feet on either side of the center line of the canyon, where the collector boxes are located, to ground level. This growth shall be removed on or before May 1 annually after the year 1965 and any new growth shall be cut at least twice during the summer months of each year.

2. The growth of grass and shrubs between the collector boxes shall be removed, within five days from the effective date of this order, by digging to a depth of six inches below the present ground surface. Such removal of grass and shrubs shall be performed at least twice during each summer season.

3. Commencing within two days after the effective date of this order, and until further order of this Commission, defendant shall haul water from an approved water supply at a rate of at least 5,000 gallons per day and place such hauled water in the 25,000-gallon tank to supply customers at a lower elevation. Defendant shall continue to haul water until there is at least 50,000 gallons in storage in the upper reservoirs, and shall resume hauling as necessary to maintain at least 50,000 gallons in storage in the upper reservoirs.

4. Commencing on the effective date of this order, and continuing until further order of this Commission, defendant shall close the valve on the Mountain Avenue supply line into the 25,000-gallon tank at any time when there are 50,000 gallons or more in storage in the upper reservoirs.

5. Defendant shall provide the Commission, in writing, each week with a report of the flow of water available to the system, the quantity of hauled water put into storage, and the amount of water in storage.

6. Commencing on the effective date of this order, and until further order of this Commission, defendant shall ration water equally to all metered water customers and to all haulage water customers authorized to receive water service, at any time when there are less than 50,000 gallons in storage in the upper reservoirs.

7. Defendant shall at all times, pending further order of this Commission, have an operating employee available in the service area who is authorized to operate the system, correct service complaints, and ration water. Notice of any change in location or availability of such employee shall be accomplished by posting notice without delay at the haulage station adjacent to the 25,000-gallon reservoir and by mailing a copy of such notice to the Commission within five days after posting.

8. Defendant shall file with the Commission two copies of its written instructions to employees within five days of the effective date of a decision in this matter.

9. Defendant shall develop the existing supply excavations and install mains to add such supply to the existing canyon sources.

10. Within thirty days after the effective date of this order, defendant shall file in writing with this Commission a detailed program for rehabilitation of its sources of supply and for development of additional sources of supply. Each thirty days thereafter, defendant shall report in writing to this Commission its progress in completing the program.

A copy of this decision shall be served on William Schwartz personally. The effective date of this order shall be the date of such service.

Dated at San Francisco, California, this 4th day of August, 1965.

Frederic B. Holoboff
President

Lawyer
John R. [unclear]
William B. [unclear]

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.