

**ORIGINAL**

Decision No. 71025

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Charles P. Donovan  
17913 So. Arline Ave.  
Artesia, California 90701

Complainant

vs.

Philip F. Walsh, President  
Southern California Water Co.  
11911 S. Vermont  
Los Angeles, California 90044

Wilson B. Moody, Board Chairman  
Omaha, Nebraska

Case No. 8398  
(Filed April 26, 1966)  
(Answered May 19, 1966)

Charles P. Donovan, in propria persona,  
complainant.  
C'Melveny & Myers, by William J. Bogaard,  
for defendants.

O P I N I O N

Complainant, an individual, a minister, and a resident and customer of defendant<sup>1/</sup> in Artesia, seeks an order of the Commission correcting charges for water service between November 18, 1965, and December 1, 1965, and reduction of charges for three bimonthly billings between May 24, 1965, and December 1, 1965, totaling \$77.10 to a total of \$38.55. He also requests that defendant be instructed to have water meters removed under protest

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<sup>1/</sup> The defendant is Southern California Water Company, a public utility water corporation, of which defendants Walsh and Moody are officers.

tested by an independent company from which defendant does not buy equipment. He also alleges that defendant showed a profit of 18.1 percent for the calendar year 1964 which is unfair and unreasonable.

In addition to answering the complaint, defendant filed three motions to dismiss, two on May 19, 1966, and another on May 23, 1966.

Public hearing was held before Examiner Warner on June 16, 1966, at Artesia.

Complainant moved into his residence at 17913 South Arline Avenue, Artesia, on July 1, 1965, after having lived in Laguna Beach for four years where his water bills averaged about \$15 per bimonthly period. In addition to his wife, there are two sons, one nine and the other five years of age. The residence has two bedrooms and a den, and water using appliances include a dishwasher and a clothes washing machine. The house is of the Cape Cod type and there are two lawns totaling 5,940 square feet with sprinkler systems front and rear (the rear sprinkler system was out of order during the period covered by the complaint). There are also shrubs, rose bushes and four trees on the premises.

The record shows that when complainant moved in, the lawn was dry and complainant instituted a program of watering each lawn one-half hour per week. The soil is sandy and the lawn is matted devil grass and clover.

The first bill received by complainant covered the period May 24, 1965, to July 23, 1965, with a recorded water usage

of 9,900 cu. ft. and a charge of \$22.64. During the last 11 days of August, complainant was absent from his home. On his return, he found the lawns burned and proceeded to rehabilitate them using liquid nitrogen fertilizer. His next water bill covering the period July 23, 1965, to September 22, 1965, showed a recorded usage of 16,800 cu. ft. of water and a total charge of \$36.44. The bill for the period September 22, 1965, to December 1, 1965, showed recorded usage of 7,400 cu. ft. and a total charge of \$18.02. Subsequent bills, which are not complained of, cover the period January 24, 1966, to March 28, 1966, and total \$13.24; and the period March 28, 1966, to May 25, 1966, totaling \$18.84.

Complainant's employer, his church, in the past has paid and does pay the water bill, except that the bills for the disputed periods remain unpaid.

In May, 1965, defendant discovered that the water meter on complainant's property was not recording and the bill for the period March 22, 1965, to May 24, 1965, was \$4.20, or the minimum charge. For the period January 25 to March 22, 1965, the bill was \$8.76; from November 23, 1964, to January 25, 1965, the bill was \$8.04; from September 23, 1964, to November 23, 1964, the bill was \$8.76; from July 23, 1964, to September 23, 1964, the bill was \$15.44; from May 22, 1964, to July 23, 1964, the bill was \$15.24; and from March, 1964, to May 22, 1964, the bill was \$14.03.

Defendant replaced the meter at complainant's service on May 26, 1965; made a special test of it on November 15, 1965, and replaced it on November 18, 1965. The results of the tests of the meters installed in May and in November, 1965, are shown

on Exhibit No. 1. Said Exhibit shows no variation from the limits of 5 percent underrecording and 2 percent overrecording prescribed by General Order No. 103.

In an attempt to check the water meter, complainant took a square can and measured one-half cubic foot of contents. His wife turned on a faucet while he watched a minimum recording needle on the meter. When it reached a determinable point, he filled the can to the one-half cubic foot level and it appeared to him that the meter was overrecording. This test was performed nine times after 3:00 p.m., but the pressure and gallonage flow were not observed. It was after such tests that he complained to defendant, and defendant replaced that meter in November, 1965, at no cost to complainant.

Defendant admitted that its computer had miscalculated complainant's bill during the meter replacement period in November, 1965, and an adjustment of 68 cents had been made on complainant's bill. The record is not clear whether a less than one week period of overlap exists, but whether it does or does not the amount would be minimal, and defendant was instructed by the presiding officer to clarify and settle that minor dispute outside of this record.

No evidence was taken on complainant's charges that defendant's systemwide earnings were excessive since Public Utilities Code Sec. 1702, as well as the Commission's Procedural Rule 9 provides, among other things, that no complaint shall be entertained by the Commission as to the reasonableness of rates unless it be signed by not less than 25 consumers. It was explained to complainant by the presiding officer that the Commission constantly reviews defendant's earnings and that any

such excessive earnings as complained of would have automatically received this Commission's attention, and that no such earnings had come to the Commission's attention.

The record shows that defendant maintains its own meter repair department with calibrated testing equipment, and that Neptune Meter Company, defendant's meter supplier, has a meter testing laboratory manned by experienced personnel.

While it is true that complainant's water bills in Artesia are higher than the average bills for his four years' residence in Laguna Beach, and while it is also true that complainant's water bills are considerably greater than those of his predecessor in residence, we find nothing to show that the water meters installed by defendant on May 26, 1965, and November 18, 1965, were or are inaccurate. We find no excessive charges by defendant to complainant for water service. His water usage apparently reflects his family's personal habits and his efforts and practices in the upkeep of his premises.

We conclude that the complaint should be dismissed.

O R D E R

IT IS ORDERED that the complaint is dismissed.

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

Dated at San Francisco, California, this 26<sup>th</sup> day of JULY, 1966.

*George J. Fisher* President  
*George J. Fisher*  
*Frederick B. Halaloff*  
*Augusta*  
*William L. Dennis* Commissioners