

ORIGINALDecision No. 73410

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Margaret Batterson, and 24 others,
 individually and as representatives
 of a class of persons similarly
 situated but too numerous to name,

Complainants,

vs.

Darold W. MacDannald, dba
 Keyes Water Company,

Defendant.

Case No. 8666
 (Filed August 10, 1967)

Darold W. MacDannald, for Keyes Water Company,
 defendant.
Clark F. Ide, for Margaret Batterson, et al.,
 complainants.
Alfred Meissner, for Stanislaus County Health
 Department, interested party.
W. B. Stradley, for the Commission staff.

O P I N I O N

After due notice, public hearing on this complaint was held before Examiner Coffey on October 23, 1967, in Modesto. The matter was submitted on October 30, 1967.

Complainants are residents of Keyes, Stanislaus County, and are all consumers of water supplied by the defendant.

Darold W. MacDannald, dba Keyes Water Company, defendant, furnishes water at flat rates to approximately 386 customers. Water is obtained from three wells located within the service area and distributed by 2,435 feet of 3-inch steel pipe, 11,725 feet of 4-inch steel pipe, and 4,100 feet of 6-inch steel pipe.

Complainants allege that water service to them is defective in the following respects:

1. Defendant has employed deteriorated boiler pipe for the transmission of water which conduits are not strong enough to withstand normal pressure necessary to provide reasonable quantities of water to consumers.

2. Defendant maintains so low a water pressure in his system that quantities of water for normal family consumption and use are chronically unavailable. Consumers are unable to bathe and shower and must laboriously draw water at unusual hours and store the water in order to obtain sufficient quantities for cooking, dishwashing and minimal sanitary needs. Water pressures are insufficient normally to replenish hot water tanks, causing them to malfunction.

3. Some consumers find it necessary to leave the home and obtain water from other sources in order to meet their daily needs.

4. Water pressures at hydrants fall far below the minimum flow established by the Pacific Fire Rating Bureau and are not located with the required frequency so that the hydrants are virtually inoperative and unusable, requiring the purchase, by the fire control district, of a tank truck to provide elementary but limited fire protection.

5. As a result of the lack of sufficient water pressure and lack of usable fire hydrants, residential and commercial fire insurance rates are substantially higher than in normal residential neighborhoods of like circumstances having sufficient fire hydrants and maintaining an adequate fire flow.

Complainants request an order requiring that:

1. Defendant comply with Public Utilities Code Sections 451 and 8201, Rule 2 of defendant's filed tariffs and paragraph III 5(a) of General Order 103 of the Public Utilities Commission, by

maintaining sufficient constant pressure to provide consumers with a reasonable quantity of water for normal use.

2. Defendant modify his operating procedure and make such reasonable improvements as are necessary to insure a constant reasonable supply of water to consumers.

3. Such improvement or changes in operating procedure and system include the replacement of pipes which due to corrosion are inadequate to transport a reasonable quantity of water or which will not because of their weakened condition sustain sufficient water pressures to provide such reasonable quantities.

4. Necessary additional wells be drilled or additional mains be looped around the existing facility and/or additional storage facilities be provided to insure a constant reasonable supply of water to subscribers through periods of peak use.

5. Improvements be made to provide sufficient water pressure for adequate fire flow and defendant be required to convert existing unusable hydrants or install usable hydrants so that the water system will be available to the fire control district, obviating the necessity of the district's present sole reliance upon a portable limited supply of water.

6. Pursuant to Public Utilities Code Section 734, the defendant make reparation of all rates charged to the extent that insufficient quantities of water have been provided.

7. Should complainants in this proceeding or other consumers of water residing in Keyes dispute charges as set by defendant on grounds of the excessiveness and unreasonableness of the rate and elect to pay such disputed charges to the Public Utilities Commission, that defendant be ordered, nevertheless, to continue providing

service pending the final resolution of the matters in dispute by the Public Utilities Commission.

8. Expeditious public hearing be had for the purpose of making a final determination regarding the issues presented by this complaint.

9. Such other relief as may be appropriate be granted.

Defendant answered that he had satisfied the complaint which he alleged was the result of the failure of one of his three pumps for a six-day period starting July 12, 1967; that water pressure problems were not as stated in the complaint, that since the foregoing well was returned to service sufficient water for normal domestic service has been available at all times; and that necessary data to finance a new pumping facility was being prepared as the pump failure had revealed the need of additional standby capacity.

Customers of defendant testified in substance that:

1. During summer periods low water pressure resulted in lack of sufficient quantities of water to operate automatic washing machines and toilets, to wash dishes and utensils, to sprinkle lawns and irrigate gardens, and to wash in bathtubs and showers.
2. Sand was deposited from water.
3. A number of leaks had occurred.
4. At times no water was available, water having to be hauled by customers and children having to bathe in the canal.
5. Customers were not notified of outages.
6. Defendant could not be contacted at the office located in his home or by telephone to report outages and leaks or to complain.
7. Fire protection was inadequate.

A civil and sanitary engineer, based on a study in 1966 of the water system for the Keyes Community Service District, testified that the existing system is inadequate for domestic service or fire protection, that production equipment is inadequate and old, and that distribution lines are of inadequate size and condition.

The staff made a field investigation in the service area on September 11 and 12, 1967. The utility's tariff book was examined and found to be correct. Pressure tests were made at the three wells and at each complainant's residence. Several complainants and other customers of the utility were interviewed. Pressure readings at the pumps ranged from 42 to 92 psi. Static reading at individual customer locations made September 11 before the alterations were made at Well No. 2 varied between 20 and 90 psi, depending upon their location within the tract. Static readings made September 12 after alterations to Well No. 2 varied between 25 and 90 psi.

The staff found the cause of service complaints to be a combination of:

1. Failure on July 12, 1967 of the 10-hp pump in Well No. 2. This pump was removed and replaced temporarily by a smaller pump and on July 17 a permanent 15-hp pump was installed. During this six-day period the other two well pumps were unable to maintain adequate pressure in the system.
2. Inadequate diameter of the pipe and check valve connecting Well No. 2 to the system.
3. Inadequate diameter of the pipe connecting Well No. 3 to the system.
4. Lack of looping of the distribution piping to various dead ends which cause unequal pressures throughout the system.
5. Possible interior corrosion of pipe which may be reaching the end of its useful service life.
6. Small diameter piping on some customers' premises.

The staff recommended improvements and additions to facilities in the following order of priority:

1. Replace 16 feet of 4-inch pipe and a 4-inch check valve at Well No. 2 with 16 feet of 6-inch pipe and a 6-inch check valve, accomplished September 11, 1967.
2. The Turlock Irrigation District to test all pumps and a pump specialist to make any necessary adjustments to bring each pump up to its maximum efficiency, to be done as soon as possible.
3. At an estimated cost of \$350, connect the 4-inch main across Christine Avenue northwest of Block 51, Subdivision No. 1 into the Texera Tract with 100 feet of pipe to eliminate two dead ends and improve pressure, to be done as soon as possible.
4. At an estimated cost of \$3,000, connect Well No. 3, at 4219 Warda Avenue to the 4-inch main on Esmail Avenue, using a 6-inch main of approximately 1,300 feet in length, to be done as soon as possible.
5. At an estimated cost of \$8,600, drill and equip a new well before July 1968, to produce approximately 550 gpm, and connect as a standby source of water, providing for the future growth of the area.
6. At an estimated cost of \$2,500, connect the 4-inch main on Anna Avenue to the 4-inch main that serves Block 46 of the Texera Tract with 1,230 feet of pipe to eliminate two dead ends and improve pressure, to be done within two years.
7. At an estimated cost of \$1,100, connect the 4-inch mains between Blocks 40 and 41 on Dora Avenue and between Blocks 48 and 49 on Anna Avenue with 550 feet of pipe to eliminate three dead ends and improve pressure, to be done within three years.

The staff further recommended that:

1. Defendant should be required to make application to the appropriate health authority for a water supply permit for the new well when drilled.
2. Pipe for any future extensions of water mains should be adequately sized.
3. The minimum quantity of water to serve the area should be 1,200 gallons per minute.

Defendant accepted as reasonable the staff recommendations with the modification that existing pump efficiencies should be

restored and production adequacy determined before he is required to expend a large sum for a new well.

Defendant testified that delays in restoration of service during the pump breakdown from July 12 to July 17, 1967 were due to circumstances beyond his control. Despite the fact that some of the leaks reported in this record were from pipe located on customer property and the responsibility of the property owner, defendant had, nevertheless, on occasion repaired such leaks. Defendant maintained that other leaks reported in this record were promptly repaired and that any extended periods noted may have been occasioned by failure of temporary repairs.

Water pressures taken by defendant on August 14, 16 and 18, 1967, at complainants' addresses range from 14 to 65 pounds per square inch (p.s.i.g.).

Defendant stated he maintains posted office hours at his home until the 10th of each month and thereafter either he or a member of his family is available to receive complaints during the day or evening hours.

Defendant by Tariff Schedule No. 5 offers public fire hydrant service to municipalities and fire districts at a charge of \$1.00 per hydrant per month, the cost of installation and maintenance of hydrants being borne by the utility, the cost of relocation being borne by the party requesting the relocation. The tariff provides that defendant will supply only such water at such pressure as may be available from time to time as a result of its normal operation of the system.

Findings and Conclusions

The Commission finds that:

1. Defendant during the summer months of 1966 and 1967 rendered water service which was inadequate and insufficient in that some operating pressures were less than 20 p.s.i.g. at service connections.

2. Defendant's operating pressures do not conform to the requirements of General Order 103 of this Commission.

3. Defendant's water system needs additional standby capacity, in which he concurs.

4. The quantity of water available to the distribution system from all present sources has been and is inadequate and undependable.

5. Frequently customers have not been able to locate and confer with defendant with reasonable effort.

6. The recommendations of the staff are reasonable and will if implemented as hereinafter ordered result in adequate and sufficient utility service.

7. No adequate basis has been presented to justify or implement the request of complainants for reparations.

8. Defendant has not violated his filed tariff for public fire hydrant service, no showing having been made of any refusal to install, maintain or relocate a fire hydrant at the request of the local fire district.

We conclude, under Section 761 of the Public Utilities Code, that defendant should improve and add facilities to his water system and should take such actions to improve his utility service as herein ordered; and that complainants' request for reparations and improvements for fire protection should be denied.

O R D E R

IT IS ORDERED that:

1. Darold W. MacDannald, dba Keyes Water Company, shall improve his public utility water supply, distribution facilities and service by the following:

- a. By December 31, 1967, have all pumps tested and adjusted to bring each pump to its maximum efficiency.
- b. By December 31, 1967, have installed a 4-inch water main across Christine Avenue northwest of Block 51 as shown in red on Exhibit No. 3 of this proceeding.
- c. By February 29, 1968, have connected with 6-inch main Well No. 3 at 4219 Warda Avenue to the existing 4-inch water main on Esmail Avenue as shown on Exhibit No. 3 of this proceeding.
- d. By July 1, 1968, have drilled and equipped a new well of such production capacity that not less than 1,200 gallons per minute is available to the distribution system from all source facilities unless defendant by tests can demonstrate that not less than 1,000 gallons per minute of capacity is available from reconditioned present source facilities. If defendant is not hereby required to drill and equip a new well he shall by July 1, 1968, file with this Commission in writing a report setting forth the results of tests demonstrating capability of each source facility, projected growth and production capability for the years 1968, 1969, 1970, 1971 and 1972, and plans to meet production requirements in these years.
- e. By July 1, 1969, have connected with 4-inch water main the present 4-inch water main on Anna Avenue to the 4-inch water main serving Block 46 as shown in red on Exhibit No. 3 of this proceeding.
- f. By July 1, 1970, have connected with 4-inch water mains the 4-inch mains between Block 40 and 41 on Dora Avenue and between Blocks 48 and 49 on Anna Avenue as shown in red on Exhibit No. 3 of this proceeding.

- g. By July 1, 1968, have performed a survey for leaks in the transmission and distribution water system and have reported in writing to this Commission all leaks found and the condition of the pipe at the leak.
- h. By December 31, 1967, have installed at the water system office a means of attracting the attention of members of defendant's family or other utility representatives when not in the office and a means and instructions by which complaints and/or other requests that a utility representative call customers may be implemented.

2. Defendant shall report in writing to the Commission on or before the foregoing due dates compliance with the ordered installations.

3. Complainants' requests for reparations and improvements for fire protection are denied.

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

Dated at San Francisco, California, this 21 day of NOVEMBER, 1967.

[Signature]
President

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Commissioners