

ORIGINAL

Decision No. 75048

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Canyon Country Homeowners Association,)
a corporation,)

Complainant,)

vs.)

Solemint Water Company,)

Defendant.)

Case No. 8683
Filed September 5, 1967

Kaye B. Swan, for complainant.
Karl K. Roos, for defendant.
Jerry J. Levander, for the Commission staff.

OPINION ON REHEARING

The complaint, insofar as pertinent, reads as follows:

"That the residents in the upper levels of the North Oaks Development that are served by the Solemint Water Company have been without water upon numerous different occasions since August 14, 1967. ..."

"WHEREFORE, complainant requests an order to The Solemint Water Company to install adequate facilities for furnishing the area at all times with water ..."

A public hearing was held on December 14, 1967. The Commission rendered its Decision No. 73835, dated March 12, 1968, in which it ordered that:

1. "Within ten days after the effective date of this order, defendant Solemint Water Company shall file in this proceeding and furnish to complainant a comprehensive report stating (a) the steps taken by defendant during August 1967 to restore continuous water service to customers in its North Oaks area, and (b) an explanation for the delay in repair of the well pump at plant S-8.

2. "On or before the tenth day of each month after the effective date of this order, and continuing until completion or abandonment of defendant's 700,000-gallon Gindling Reservoir project, defendant shall file in this proceeding a progress report showing (a) work accomplished on the project during the preceding month and (b) the estimated completion date.

3. "Within thirty days after the effective date of this order, defendant shall file in this proceeding an engineering study of the probable effect of a 600-foot section of 8-inch main in defendant's 14-inch connecting main between two of the present three 1,550-foot zone tanks insofar as the level of water in the 1,550-foot Wilson tank was affected during the August 1967 service interruptions.

4. "If the Gindling Reservoir is not in operation by May 1, 1968, defendant shall immediately file in this proceeding a statement of the size and type of alternative supply and/or storage facilities which defendant will install by June 30, 1968.

5. "Within ten days after the effective date of this order, defendant shall institute a program which will provide accurate information regarding any prolonged or widespread service problems to all employees and representatives who are authorized to answer customers' requests for such information, and shall file in this proceeding a statement of the steps taken to effect compliance with this requirement."

On March 22, 1968, the defendant filed a petition for rehearing of said Decision, and on May 28, 1968, filed an amendment to such petition. By Decision No. 74202, dated June 5, 1968, the Commission granted rehearing. Rehearing was held before Examiner Rogers in Newhall, California, on September 24, 1968, and the matter submitted.

The principal contentions of the petition for rehearing are that Decision No. 73835 is illegal in that the complaint fails to state a cause of action, and the evidence does not support the decision.

The Complaint

Relative to the contention that the complaint fails to state a cause of action, defendant cites a group of decisions, commencing with Utility Users Assistance League v. Pac. Tel. and Tel., 58 Cal. PUC 22 (August 23, 1960), and ending with Utility Users League of California vs. Cal. Water & Tel., 66 Cal. PUC 34 (August 2, 1966). In each case cited by the defendant, the complaint was dismissed for failure to state a cause of action. The reasons for dismissal given in Utility Users League of California vs. Cal. Water & Tel. (supra) are typical.

That decision states on page 36:

"Many of the 'charges' in the present complaint have been raised and considered in other proceedings. (Citations.) Other 'charges' and relief sought are beyond Commission jurisdiction. The pleading is far from being clear and concise, as required by procedural Rule 10. In the language of an earlier dismissal order, 'the pleading is an inseverable admixture of allegation, contention, and argument from which it is not possible to extricate clear and unambiguous cause of action. It is our finding and conclusion that the complaint does not comply with Public Utilities Code Section 1702, nor with the Commission's procedural rules' ***." (Citation.)

The complaint herein is not subject to the criticism contained in the above cases. It alleges clearly and unambiguously "That the residents in the upper levels of the North Oaks Development that are served by the Solemint Water Company have been without water

upon numerous different occasions since August 14, 1967." It "requests an order to the Solemint Water Company to install adequate facilities for furnishing the area at all times with water."

The above language is sufficient compliance with the provisions of Section 1702 of the Public Utilities Code to apprise defendant of the claimed "Act or thing *** omitted to be done ***" by defendant, "in violation of any *** order or rule of the commission. ***"

General Order No. 103, Chapter II, 1.b. (1) provides that: "Water supplied by any public utility shall be,

(a) ***

(b) From a source reasonably adequate to provide a continuous supply of water."

General Order No. 103, Chapter II, 2.a. provides that:

"Each utility shall make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to reestablish service with the shortest possible delay consistent with the safety to its customers and the general public. .."

It should be pointed out here that the defendant did not file any objection to the pleadings herein in accordance with Rule 12 of the Commission's Order Revising Rules of Practice and Procedure in effect when the complaint was filed and it filed no answer to the complaint except to state that it had repaired certain equipment which had caused a temporary shortage.

Complainant and Defendant

Complainant is an association of homeowners in the North Oaks Development, near the Newhall-Saugus area of Los Angeles County.

Defendant is a public utility water corporation serving the North Oaks Development and other areas in the vicinity of Newhall and Saugus.

Although not necessarily involved in our decision herein, the prior decisions of this Commission relative to the defendant, of which we take official notice, together with the evidence at the hearings herein show that defendant has become involved with a subdivider known as Gindling (Tract 29577) which is in the vicinity of the North Oaks area. Since 1966, this subdivider has planned to install a 700,000-gallon storage tank (Gindling Tank) at an elevation of 1,550 feet. This tank would supplement the water supply to the North Oaks area if it were installed. When the subdivision and Gindling Tank will be constructed is not known to any of the parties. The County of Los Angeles has approved the water system layout which includes the Gindling Tank (see diagram on Exhibit 5).

Service Interruptions

Exhibit No. 1 and the supporting testimony of a customer show that there were water service interruptions in the North Oaks area during May, June and July of 1964, and during April, May, June and July of 1965. The 1964 interruptions were covered by Case No. 7973, a complaint filed by North Oaks Homeowners Association against defendant. Decision No. 68283, dated November 30, 1964, states that a new booster pump installed in July of 1964, corrected the previous deficiency in the system. The 1965 interruptions were covered by Case No. 8229, a Commission investigation which included matters complained of by North Oaks Homeowners Association. The various decisions in Case No. 8229 required the prompt installation of certain overall system improvements and the preparation of a master plan for other long-range improvements. A Commission staff report, Exhibit No. 5 in the current proceeding, states that defendant has complied with all prior Commission orders. Exhibit No. 1 states that the service in 1966 was improved and lists only one short interruption during that year and, prior to August, only one interruption in 1967.

During August 1967, residents in the North Oaks area were again faced with some five service interruptions, ranging from about two hours to 20 hours in duration. It is these more recent outages that are the subject of the current proceeding.

Cause of Interruptions

Complainants did not know exactly what caused the service interruptions. A Commission staff engineer who investigated the situation diagnosed the causes and included a discussion thereof in Exhibit No. 5.

The staff investigation indicates that the immediate cause of water service failure during the last two days of August 1967 was the shearing of the shaft on the deep-well turbine pump at defendant's pumping plant designated S-8. This pumping unit is one of the sources of supply for defendant's 1,550-foot zone. Without the S-8 plant, and with a coincident high water use due to an extended period of hot weather, the water in the 1,550-foot Wilson and Lower Sky Tanks was depleted and service to some customers in the North Oaks area was intermittent.

Staff Report

The staff presented a report dated December 7, 1967 (Exhibit 5). The defendant concurred and adopted as its evidence the factual matter stated therein. The defendant did not concur in the conclusions in said exhibit. The pertinent parts of the exhibit, summarized, stated that in August 1967, the Commission received informal complaints from 32 customers served by defendant in the North Oaks area; that the complaints all related to failures of service between August 14 and 30, 1967; that a staff engineer made an investigation of the defendant's system on June 28, August 30, and October 12 of 1967; that the engineer inspected the

operations of all of defendant's wells, pumping units, booster pumps and storage facilities; that the month of August 1967 was the warmest month of record for the Los Angeles basin; that new high minimum temperatures were established on eight days therein; that there were 22 days in August 1967 in which the maximum temperature reached 90 degrees or above, and four consecutive days during which the maximum temperature varied between 104 degrees and 109 degrees; and that consecutive days with temperatures exceeding 90 degrees tend to produce abnormally high water demands.

On October 12, 1967, the engineer inspected all of defendant's pumping units as well as two units of an affiliated company which water is used by defendant; that the total supply was 5,475 gpm; that defendant had storage with a total capacity of 3,360,000 gallons and had a total of 3,855 customers.

The report of the engineer further states that, in analyzing the causes of water service failures in August 1967, he gave consideration to the magnitude of demands for construction water; that the available data shows that the use of construction water was not a significant factor in the outages and failures of water service; that the defendant did take steps to restrict the use of water to domestic purposes; that this restriction was in effect for approximately three days and was discontinued when all pumping units were returned to service; that the immediate cause of water service failure in the North Oaks area was the loss of the S-8 (Mitchell) pumping plant; that this pumping unit supplies water to the 1,550-foot zone of Solemint adjacent to the Wilson and Lower Sky Tanks; that the abnormal use of water during the hot weather combined with the loss of the S-8 pumping plant were contributing factors responsible for the failure of water service to the North

Oaks area; that an additional reservoir of 700,000-gallon capacity in the 1,550-foot zone was planned for installation in 1966 (Gindling); that 14-inch mains were to connect to reservoir with the basic 1,550-foot zone and provide an additional tie to a 525,000-gallon storage tank in the Mint Canyon in the 1,700-foot zone; and that the installation of this reservoir and its associated mains would have prevented or lessened the extent and duration of the failures of water service to the North Oaks area.

The engineer concluded that the causes of water service failure in the North Oaks area in August 1967 were lack of sufficient storage in the 1,550-foot zone and lack of interconnection between the 1,700-foot zone in Mint Canyon, and the 1,550-foot Solemint zone for emergency operation.

The engineer stated that additional storage capacity in the 1,550-foot zone is needed to supply the combined demands of customers served in this zone and to supply the requirements of booster units for the 1,700-foot and 1,850-foot zones.

The staff recommended that a 700,000-gallon reservoir be installed at the 1,550-foot level for service to the North Oaks area, and that this reservoir be connected with the North Oaks portion of the service area by a 14-inch distribution main.

Complainant's Evidence

The record shows that in 1967 the North Oaks area was without water on June 14 from 5:00 p.m. to 11:20 p.m.; on August 14, between 7:00 p.m. and 10:25 p.m.; on August 15, between 6:45 p.m. and 9:00 p.m.; on August 29, between 7:00 p.m. and 11:00 p.m.; on August 30-31, between 1:00 p.m. and 5:00 a.m.; and on August 31, between 8:00 a.m. and 11:00 p.m. (Exhibit No. 1). The witness who supported the exhibit testified that he lives in the highest subdivision in the North Oaks area; that his house is probably the

highest in the system; that he is normally the first to run out of water and the last to receive water when service is restored; and that his loss of water does not necessarily mean that homes at a lower elevation in the tract are out of water, but that the homes in his level are.

The testimony shows that between August 29 and 31, 1967, pumping plant S-8 (Chart on Exhibit No. 5) was out of service due to a broken pump shaft which was replaced and the pump placed back in service on September 1, 1967.

Defendant's Additional Evidence

The defendant's president testified that the Gindling Tank will not be constructed in the foreseeable future. He also listed various improvements to the system and stated that additional storage is added from time to time. He did not explain how any of the proposed changes or improvements would prevent the complainants from running out of water.

Findings and Conclusions

The Commission finds that:

1. Complainant is an association of homeowners who receive domestic water from the defendant in the upper levels of defendant's North Oaks service area in the vicinity of Newhall and Saugus.
2. The defendant is a public utility water corporation which furnished domestic water to the North Oaks area.
3. In August 1967, the Commission received complaints from 32 of defendant's customers in the North Oaks service area, each of which related to failure of water service between August 14 and 31 1967.

4. On August 14, 15, 29, 30 and 31, 1967 some of the members of the complainant were without water for periods ranging from 3 to 17 hours.

5. The cause of the lack of water on August 30 and 31, 1967 was the failure of one of defendant's deep-well pumps. This failure was corrected by September 1, 1967.

6. The causes of the shortage of water on August 14, 15 and 29, 1967 were lack of sufficient storage in the 1,550-foot zone and lack of interconnection between the 1,700-foot zone in Mint Canyon and the 1,550-foot Solemint zone for emergency operation.

7. Defendant has an adequate source of water with which to furnish its customers, including all water which each customer may require regardless of the weather temperature, water for construction usage, water for emergencies, and water for fire fighting. The defendant has, nevertheless, failed to provide an adequate supply of water to the North Oaks area as required by G.O. 103.

8. Additional storage capacity in the 1,550-foot zone is needed to supply the customers served in this zone, which includes the North Oaks area.

9. When the Gindling Tract (No. 29577) is constructed, 500,000 gallons of additional storage will be required in the 1,550-foot zone of defendant. Additional storage of 700,000 gallons at the 1,550-foot level will enable defendant to adequately serve the Gindling Tract and the North Oaks area.

The Commission concludes that the defendant should provide additional storage at the 1,550-foot level as specified in the order which follows.

O R D E R

IT IS ORDERED that on or before June 30, 1969, Solemint Water Company install and place in service 700,000 gallons of additional storage at the 1,550-foot level and connect this storage to provide water for the North Oaks area.

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

Dated at San Francisco, California, this 3rd day of DECEMBER, 1968.

William Lyons A.
President

William C. B...

August

Paul P. Monissey
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.