

ORIGINAL

Decision No. 76494

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SUSIE B. COLE, Spokesman for
WHEEL TRAILER PARK,

Complainant,

vs.

VAN DIEST WATER COMPANY,

Respondent.

Case No. 8932
(Filed July 1, 1969)

Investigation on the Commission's
own motion into the rates, rules,
regulations, tariff schedules,
service, facilities, equipment,
contracts, and practices of
KATRENA VAN DIEST, doing business
as VAN DIEST WATER SYSTEM, VAN DIEST
BROTHERS, INC., and MARGARET VAN
DIEST.

Case No. 8980
(Filed October 15, 1969)

Susie B. Cole, for complainants.

James W. Thomason, for Margaret
Van Diest, respondent in

Case No. 8980.

Arthur D. Guy, for Van Diest Water
Company and Van Diest Brothers,
Inc., respondents.

Gary L. Hall, Counsel, and Jerry
J. Levander, for the Commission
staff.

O P I N I O N

The nominal complainant in Case No. 8932 was joined by approximately 55 individuals. The complaint is brief and simply alleges that the respondent Van Diest Water Company is a privately owned concern and is serving the customers with dirty and oily

water at very low pressure, and that the water smells so bad it is not drinkable.

The Van Diest Water Company filed an answer on July 22, 1969. Therein Katrena Van Diest stated that she is the sole proprietor of said company; admits that it is a privately owned water company; admits that the water has in times past developed a coloration; states that this coloration is caused by the high iron content which develops during periods of relatively low consumption; and alleges that she is working to upgrade the water in the system.

On October 15, 1969, the Commission filed the "Order Instituting Investigation" in Case No. 8932. Therein the Commission alleges that it appears that the respondent Katrena Van Diest may be a public utility water company; that Van Diest Brothers, Inc. may be operating said water company at the direction of and in conjunction with said Katrena Van Diest; that Margaret Van Diest may be asserting or attempting to assert certain ownership rights and control over a part of the water company; and that many complaints have been filed against the water company. It instituted the recent investigation to determine:

1. Whether the operations, rates, rules, regulations, tariff schedules, service, facilities, equipment, contracts, practices, and finances of the subject water system are unreasonable and/or inadequate.

2. Whether respondent water company, operating under the direction and control of or in conjunction with respondent Van Diest Brothers, has violated Section 451 of the Public Utilities Code by failing to provide adequate, just and reasonable service.

3. Whether respondent water company and respondent Van Diest Brothers, or either of them, is a public utility water corporation within the meaning of Sections 216 and 241 of the Public Utilities Code.

4. Whether respondent Margaret Van Diest is a public utility water corporation within the meaning of Sections 216 and 241 of the Public Utilities Code.

5. Whether any encumbrance or transfer, whether voluntarily or by court order, that may have been effectuated without Commission authority should be declared null and void.

6. Whether respondents, or any one of them, should be ordered to cease and desist from any and all unauthorized practices, conduct, or operations.

7. Whether any other order or orders should be issued by this Commission in the lawful exercise of its jurisdiction.

After due notice to all parties a public hearing on the two matters was held before Examiner Rogers in Los Angeles on October 24, 1969. At the hearing it was developed that there is a law suit pending in the Superior Court in the State of California in and for the County of Los Angeles (between Katrena Van Diest and Margaret Van Diest) whereby Margaret Van Diest is attempting to secure an interest in a portion of the water system used in the water service herein involved, and particularly that said Margaret Van Diest asserts an interest in Well No. 2 and a portion of the underground water supplies. At the hearing herein, Margaret Van Diest disclaimed any present interest in the matters now pending before this Commission except that she claims an interest in Well No. 2 and the water rights. As a result, the complainant

Susie B. Cole; the Commission's counsel, Gary Hall; and Arthur Guy, the counsel for Katrena Van Diest and Van Diest Brothers, Inc., stipulated that the following order may be entered at the present time and that Katrena Van Diest and/or Van Diest Brothers, Inc., doing business as Van Diest Water Company, is a public utility water company, within the meaning of Sections 216 and 241 of the Public Utilities Code of the State of California.

The decision of the Superior Court relative to title to wells and water supplies should be filed with the Commission by defendant Van Diest Water Company not later than thirty days after said decision shall have become final.

We find that Katrena Van Diest, and/or Van Diest Brothers, Inc., doing business as Van Diest Water Company, are a public utility subject to the regulatory jurisdiction of this Commission and the applicable provisions of law.

We conclude that the following order should be entered.

O R D E R

IT IS ORDERED that:

1. Within ten days after the effective date of this order, defendant, Van Diest Water Company, shall file the schedules of rates set forth in Appendix A to this order, a tariff service area map clearly indicating the area actually being served, appropriate general rules and copies of printed forms to be used in dealing with customers. Such filing shall comply with General Order No. 96-A. The tariff schedules shall become effective on the fourth day after the date of filing.

2. Defendant, Van Diest Water Company, shall prepare and keep current the system map required by Paragraph I.10.a. of General Order No. 103, Rules Governing Water Service Including Minimum Standards for Design and Construction. Within sixty days after the effective date of this order, defendant shall file with the Commission two copies of the map.

3. Within thirty days after the effective date of this order, defendant, Van Diest Water Company, shall file in this proceeding a copy of a water supply permit issued by the appropriate Department of Public Health, or if the permit shall not yet have been issued, a copy of an application which defendant shall have filed for such permit.

4. Within ninety days after the effective date of this order, defendant, Van Diest Water Company, shall file in this proceeding a report setting forth in detail a determination of the original cost, estimated if not known (historical cost appraisal) of the properties used and useful in providing water service, and also the depreciation reserve requirement applicable to such properties. The report shall designate which items are supported by vouchers or other like documentary evidence and which items are estimated, and shall show the basis upon which any such estimates were made, excluding any reference to Well No. 2, the well site and facilities on that site, and the water rights related to Well No. 2.

5. Except for Well No. 2 and facilities on Well No. 2 site, defendant, Van Diest Water Company, shall determine the depreciation rate by (1) subtracting the estimated future net salvage and the

depreciation reserve from the original cost of plant; (2) dividing the result by the estimated remaining life of the plant; and (3) dividing the quotient by the original cost of plant. Defendant shall review the depreciation rates at intervals of five years and whenever a major change in depreciable plant occurs. The results of each review shall be submitted promptly to the Commission.

6. Until authorized by further order of the Commission, defendant, Van Diest Water Company, shall not serve additional customers or expand the facilities to serve any additional areas.

7. Within sixty days after the effective date of this order, defendant, Van Diest Water Company, shall file with the Commission:

- a. A program of improvements in facilities to meet the minimum requirements of General Order No. 103 to provide for continuous water service.
- b. Program estimates of the cost of the improvements.
- c. Program estimated dates for completion of the improvements.

d. A pump test of its wells showing capacity in gallons per minute, static and pumping levels, discharge pressures, pump efficiencies, and a description of the equipment.

e. Well logs.

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

Dated at San Francisco, California, this 2nd day of DECEMBER, 1969.

William J. Sweeney, Jr.
President

Augustine

R. W. Schmitt

T. M. M.

James L. Shannon
Commissioners

APPENDIX A
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Schedule No. 2R

RESIDENTIAL FLAT RATE SERVICE

APPLICABILITY

Applicable to all flat rate residential water service.

TERRITORY

Paramount and vicinity, Los Angeles County.

RATE

Per Service Connection
Per Month

For a single-family residential
unit including premises

\$3.00

SPECIAL CONDITION

The above flat rates apply to a service connection not larger than one inch in diameter.

APPENDIX A
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Schedule No. 11

LIMITED METERED SERVICE

APPLICABILITY

Applicable to metered water service to the Wheel Trailer Park.

TERRITORY

Paramount and vicinity, Los Angeles County.

RATES

Per Month

Quantity Rates:

First 2,000 cu.ft. or less	\$6.50
Next 14,000 cu.ft., per 100 cu.ft.15
Over 16,000 cu.ft., per 100 cu.ft.10

SPECIAL CONDITION

Billings shall be based upon the sum of consumption registered by the meters serving the Wheel Trailer Park.