

Decision No. 82089

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WANDA P. FULTS, ELMER H. FULTS, BARBARA A. SIMERAL, CLARENCE R. STURGEON, GRETCHEN S. STURGEON, SHIRLEY M. LAVERS, GEORGE D. LAVERS, FLORENCE E. WARREN, EDGAR L. WARREN, MAXWELL M. VOSHALL, PATRICIA L. VOSHALL, ALBERT E. FULLER, ENID M. FULLER, MAURICE M. GREEN, BERNICE F. GREEN, ROBERT G. WHITNEY, PATRICIA ELY WHITNEY, BETTY D. HENRY, PAUL R. HENRY, ESTA L. CLINITE, WILLIAM D. CLINITE, JAMES G. ROHN, BETTY ANN ROHN, MARCIA SWEET, LOUIS E. SWEET, DELBERT R. MYERS, BETTY G. MYERS, and JAMES E. BROWNFIELD,

Complainants,

vs.

NORTH TULARE WATER COMPANY, and J. LAWRENCE NICKEL,

Defendants.

Case No. 9490
(Filed December 21, 1972)

C. R. Sturgeon, for himself and other complainants.
Robert E. Mook, Attorney at Law, for defendant.
J. E. Johnson, for the Commission staff.

O P I N I O N

Complainants seek an order requiring defendant, J. Lawrence Nickel, to improve and upgrade the North Tulare Water Company system and the maintenance program thereof to (1) maintain constant water pressure, (2) provide ample flow of water for fire protection, (3) reduce the degree of water hardness to the level of that provided by the city of Tulare, (4) abate the noise nuisance from the recently activated well at Merritt Avenue and Woodward Drive, and (5) provide pure potable water free from rust, bacteria, scale, and sand or, in the alternative, direct the city of Tulare to furnish water to complainants.

Public hearing was held before Examiner Banks at Tulare on August 13, 1973. Testimony was presented by complainants through Mr. C. R. Sturgeon, by one water customer, by the Director of Public Works for the city of Tulare, by the city of Tulare Fire Chief, by defendant Nickel, by the North Tulare Water Company superintendent, and by a Commission staff engineer. The matter was submitted on August 13, 1973 subject to receipt of the defendant's late-filed exhibit showing the system water pressure over a given period. Pressure charts for the period of August 20-23, 1973 were filed August 29, 1973 as late-filed Exhibit No. 10.

Complainants are residents of Merritt Manor Estates, an area served by defendant and recently annexed by the city of Tulare.

Defendant Nickel is the owner of North Tulare Water Company serving 321 residential customers and 32 fire hydrants.

Defendant was issued a certificate of public convenience and necessity by Decision No. 39973 on February 15, 1947 in Application No. 28090. Defendant's certificated service established April 16, 1947 (Cal. P.U.C. Sheet No. 11-W) was north and outside the existing city of Tulare city limits. Since the receipt of its certificate, defendant has extended service within its certificated area.

The city of Tulare has annexed portions of defendant's certificated service area and provided water service to such annexed areas not served by defendant.

Water for the system is obtained from four wells with a reported water table of 180 feet. Wells Nos. 1 and 2, located near the intersection of Gail Avenue and Highway 99, have a capacity of 40 hp and 360 gpm and 25 hp and 350 gpm, respectively. Well No. 3, located on Gem Street between Gail and Sandra Avenues, has a capacity of 30 hp and 650 gpm. Well No. 4, located on Merritt Avenue, has a capacity of 15 hp and 350 gpm. The above stated ratings are taken from the pumps' nameplates since there is no record of any of the pumps or wells having been tested.

Water is pumped without treatment into three hydro-pneumatic tanks having a total capacity of 12,250 gallons. Available information indicates that the system contains approximately 149,000 feet of 8-inch, 6-inch, 4-inch, and 2-inch distribution mains. These mains are constructed of asbestos cement, galvanized steel, and uncoated steel.

Complainants allege that for some time they have sought a more constant and uniform water pressure for everyday usage with an ample flow for fire fighting purposes. To eliminate the water pressure problem, the defendant reactivated its Merritt Avenue well (Well No. 4).

Reactivation of Well No. 4 increased the water pressure to a more acceptable level; however, the pump created a noise objectionable to residents in the immediate vicinity. In addition to the noise problem, it appears that this well had been idle for some time with the result that water pumped directly into the system contained foreign matter such as rust, sand, and scale. With the reactivation of Well No. 4 and the resultant contamination of the water, the subject complaint was filed.

A Department of Public Health test of water taken from Well No. 4 on February 20, 1973 revealed the presence of organic nitrogen and detergents. It was then ordered that no more water from this well be pumped into defendant's system; defendant abandoned the well. Mr. Nickel stated at the hearing that there is no plan in the foreseeable future to again attempt its reactivation. Abandonment would appear to abate the noise and thereby satisfy that portion of the complaint.

Complainants' witness, C. R. Sturgeon, read a prepared statement of complainant W. P. Fults and introduced seven exhibits to substantiate the allegations of low pressure and poor quality of water.

Defendant introduced an analysis of water sampled and tested on February 23, 1973 prepared by an independent testing laboratory which concluded that the tested sample was excellent for domestic use and drinking purposes.

A Commission staff engineer introduced a report on the defendant's system prepared after a field investigation on February 6, 1973. The staff report concluded that:

- a. The test by Public Health indicated that water from the Merritt Avenue well is still contaminated and needs treatment.
- b. The noise from the Merritt Avenue well was not objectionable to a casual observer but could be to those in close proximity.

- c. Water pressure at the time of investigation was 40 psi and showed no variation with time.
- d. There was no evidence of a water deficiency.
- e. Reactivation of the Merritt Avenue well apparently caused the ingestion of foreign matter into the system.
- f. There was evidence of hardness and scum on glassware washed in one complainant's residence.
- g. The water supply meets General Order No. 103.

The pressure readings on late-filed Exhibit No. 10 indicates the system pressure now varies between 40-64 psi. However, this variation occurs 14 times per hour or about every 4.3 minutes for approximately half the day, every day. While this is an improvement over previous operating pressures, such variation in psi is excessive and defendant should attempt to dampen out such fluctuations. The staff recommends that defendant be ordered to submit a plan to correct the pressure oscillation problem before the end of the year.

Findings

1. Defendant J. Lawrence Nickel is the owner and operator of the North Tulare Water Company serving complainants.
2. Water pressure in defendant's system has varied as much as 25 psi over a 25-minute interval.
3. With the reactivation of Well No. 4 defendant's water pressure showed an improvement.
4. The reactivation of Well No. 4 created a noise nuisance objectionable to residents in the immediate area.

5. Water from Well No. 4 caused rust, sand, and scale to be introduced into defendant's system.

6. Defendant has abandoned Well No. 4 and has no immediate plans for its reactivation.

7. Late-filed Exhibit No. 10 discloses present variation of between 40 to 64 psi, about 14 times an hour.

8. The Commission is without jurisdiction to require a municipally owned utility to serve complainants residing in defendant's service area.

The Commission concludes that the defendant should take the corrective measures set forth in the order that follows.

O R D E R

IT IS ORDERED that:

1. Within thirty days after the effective date of this order, defendant J. Lawrence Nickel shall:
 - a. Institute a program of flushing selected hydrants of the system, maintaining a record of dates, duration, and location of flushings.
 - b. Institute a program of cleaning storage tanks annually, or more frequently, if necessary, keeping a record of dates of cleaning.
 - c. Institute and maintain a log of all maintenance performed on the system, showing dates and a brief description of work performed.
 - d. Obtain pump tests on all company wells showing sustained yields and file a copy of results of each test.
 - e. Verify the functioning of the presently used well pump control systems, adjust or modify if necessary, and institute a procedure of monthly checking of the control systems' accuracy and adjustment, keeping a log of each inspection, adjustment, or modification as to date and well location.
 - f. File an up-to-date tariff service map area showing areas actually being served and deleting areas where service is not offered.

- g. Initiate plans to replace the existing 6-inch main on Oak Street with an 8-inch main and install a booster pump sized and located to increase the flow of water from the nearest well to the Woodward Drive area.

2. Submit to the Commission before December 31, 1973 a proposed plan for review by the staff to correct the pressure oscillation problem in the Woodward Drive area.

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

Dated at San Francisco, California, this 7th day of NOVEMBER, 1973.

Vernon L. Shugart
President
William J. Synovis, Jr.
J. P. Williams
Michael J. ...
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Commissioners