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Decision No. 84502

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the status, operations, service, maintenance, facilities, equipment, water supply, practices, rates, rules, tariff schedules and records of James J. Downey, doing business as Greenvue Estates Water Company, Inverness Park Water Company, Kenwood Village Water Company, Penn-grove Water Company, Point Reyes Water Company, Rio Dell Water Company, and Russian River Terrace Water Co.; and James J. Downey and W. H. Appleton, doing business as Canon Manor Water System; and Happy Acres Water Company, Inc., in Sonoma and Marin Counties.

Case No. 9076
(Filed June 9, 1970)

Additional Appearance

Wendy Smith, for herself, petitioner.

ORDER DENYING REQUESTS FOR MODIFICATION OF
ORDERING PARAGRAPH 4 OF DECISION NO. 81621

At the hearing before Examiner Cline in San Francisco on February 20, 1975, Mrs. Wendy Smith requested the Commission to authorize James J. Downey, doing business as Rio Dell Water Company, to provide water service to certain property located on Champs de Femmes in Forestville, California, described as Lots 361, 362, and 363 as shown on the map entitled "Plat of Subdivision American Legion Recreation Park, Sonoma County, California."

Mrs. Smith has entered into an agreement for the purchase of the lots described above subject to obtaining domestic water service to said property and has made a \$100 deposit toward the purchase price of \$5,000. The deposit is refundable to Mrs. Smith in the event the request for water service is denied.

Mrs. Smith presently rents a substandard house on Champs de Elysses which is near the lots she is seeking to acquire. She works as a waitress in Sebastopol, and sends her six year old son to a special school called Manzanita Joy School in Cotati because he is hyperactive and needs individual attention. His teacher, who lives on Champs de Femmes, takes him to school with her everyday. Mrs. Smith is anxious to build and move into a new home to improve the living accommodations for herself and her son.

Mr. John Downey of the Rio Dell Water Company testified that the property would be served from the higher tank in the Rio Dell Water Company and that a pressure system has recently been installed in the area. He stated that since the installation of the pressure system approximately five months ago, Rio Dell Water Company has had no complaints in the area regarding low water pressure. He is of the opinion that an additional customer will not affect the pressure system and the customers on it.

The Commission staff witness testified that there is a tank with a small booster pump from which water is served to the area in question. On December 9 the pressure at the house just below the tank was only five pounds. At 9352 Champs de Elysses the pressure was 20 pounds and at 9354 Champs de Elysses the pressure was 25 pounds. Exhibit 37-A shows that in order to meet peak hour demand in the Rio Dell Water Company additional storage capacity of 141,200 gallons, or additional pumping capacity of 98.1 gallons per

minute, or a combination of additional storage and pumping capacity are required. This witness is of the opinion that although the Rio Dell Water Company system may be adequate to serve its customers during the wintertime, in the summertime it will not be able to satisfy the service requirements of its present customers. Under the circumstances the staff is opposed to modifying Ordering Paragraph 4 of Decision No. 81621 to permit Rio Dell Water Company to serve additional customers at the present time.

Mr. Theodore F. Kirby also appeared at the hearing to request that James J. Downey, doing business as Russian River Terrace Water Company, be authorized to serve water to the two parcels he owns adjacent to 10521 Woodside Road, Forestville, so that he can build houses on these parcels. He has spent \$880 for an extension to serve 10521 Woodside Road pursuant to authorization in Decision No. 82217 issued December 4, 1973, in this proceeding.

Witness John Downey testified that since a new main has been installed in front of the parcels for which Mr. Kirby is seeking authorization for service in October of 1974 that these two parcels can adequately be served with water. The customers in the area have commented that the pressure and service are better than they formerly were. A loop in the system which should have been completed within a week after the date of the hearing will further improve the pressure on the system serving these parcels. Mr. John Downey also testified that the Russian River Terrace Water Company is ready, able, and willing to meet Mr. Kirby's request for additional service.

The staff witness testified that the Russian River Terrace Water Company and the Rio Dell Water Company have practically identical problems of shortage in storage capacity and source capacity, and undersized or inadequate transmission mains. Exhibit 37-A shows that in order to meet peak hour demand in the Russian River Terrace Water Company system additional storage capacity of 297,120 gallons, or additional pumping capacity of 206.3 gallons per minute, or a combination of additional storage and pumping capacity are required.

The staff position is that no more connections should be authorized because during periods of peak demand, the water supply will be inadequate to meet the demands.

Findings

1. James J. Downey, doing business as Rio Dell Water Company, has reached the limit of his capacity to supply water to his customers. No further consumers of water can be supplied from the system of such utility during periods of peak demand without injuriously withdrawing the supply wholly or in part from those who have heretofore been supplied water service by the utility. The utility should continue to be required not to furnish water to any new or additional customers.

2. James J. Downey, doing business as Russian River Terrace Water Company, has reached the limit of his capacity to supply water to his customers. No further consumers of water can be supplied from the system of such utility during periods of peak demand without injuriously withdrawing the supply wholly or in part from those who have heretofore been supplied water service by the utility. The utility should continue to be required not to furnish water to any new or additional customers.

Conclusions

1. Ordering Paragraph 4 of Decision No. 81621 in Case No. 9076 should not be modified to permit James J. Downey, doing business as Rio Dell Water Company, to provide water service to Mrs. Wendy Smith at the property on Champs de Femmes in Forestville, California, described above, which she has entered into an agreement to purchase, and which is located within the service area of Rio Dell Water Company.

2. Ordering Paragraph 4 of Decision No. 81621 in Case No. 9076 should not be modified to permit James J. Downey, doing business as Russian River Terrace Water Company, to provide water service to Theodore Kirby at his two lots which are adjacent to 10521 Woodside Road, Forestville, California, and are located within the service area of Russian River Terrace Water Company.

IT IS ORDERED that:

1. The request of Mrs. Wendy Smith that Ordering Paragraph 4 of Decision No. 81621 dated July 24, 1973 be modified to permit James J. Downey, doing business as Rio Dell Water Company, to provide water service to her at the property on Champs de Femmes in Forestville, California, described as Lots 361, 362, and 363 as shown on the map entitled "Plat of Subdivision American Legion Recreation Park, Sonoma County, California" which she has entered into an agreement to purchase and which is located within the service area of Rio Dell Water Company is denied.

2. The request of Theodore Kirby that Ordering Paragraph 4 of Decision No. 81621 dated July 24, 1973 be modified to permit James J. Downey, doing business as Russian River Terrace Water Company, to provide water service to his two lots which are adjacent to 10521 Woodside Road, Forestville, California, and located within the service area of Russian River Terrace Water Company is denied.

The Secretary of the Commission shall cause copies of this order to be served by mail upon all parties of record in this proceeding including Wendy Smith at 9308 Champs de Elysses, Forestville, California, and also upon the California Department of Real Estate, the Sonoma County Department of Building Permits, the Chairman of the Board of Supervisors of Sonoma County, and the Press Democrat in Santa Rosa.

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

Dated at San Francisco, California, this 3rd day of JUNE, 1975.

Version L. Shickman
President
William Lyness
Donald Ross
Robert S. ...
Commissioners