

Decision No. 85911

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ANDRE SCHY,

Complainant,

vs.

HAPPY ACRES WATER COMPANY, INC.,

Defendant.

Case No. 10003  
(Filed November 14, 1975)

Walter R. Moreno, Attorney at Law,  
for Andre Schy, complainant.

Charles M. Giovanetti, Attorney at  
Law, for Happy Acres Water  
Company, Inc., defendant.

Robert H. Reed, for Sonoma County  
Public Health Department; and  
Eddie F. Haskins, for Sonoma  
County Sanitation District;  
interested parties.

Alexander Chocas, for the Commission  
staff.

O P I N I O N

Complainant Andre Schy (Schy) requests that the Commission issue an order compelling defendant Happy Acres Water Company, Inc. (Happy Acres) to supply water service to Schy's property located approximately four miles from the unincorporated town of Cotati, Sonoma County. The matter came on for hearing April 8, 1976 at Santa Rosa before Examiner Pilling.

Happy Acres is a water corporation which has its tariffs and service area map on file with the Commission and serves twelve connections, all of them domestic. In June of 1968 Schy bought unimproved property located within Happy Acres' service area. Sometime in 1971 Schy began applying to the county for a building permit but his applications were always denied because his property did not have water service to it. At the same time Schy began attempting to get water service to his property from Happy Acres through the only representative of Happy Acres he knew--a real estate broker who was also an officer of Happy Acres. All attempts by Schy to bring water service to his property have failed. Schy, now retired and living only on social security income, wants to sell his property, but since he must guarantee to any buyer that water service is available to the property he is unable to make that guarantee and so cannot sell the property. Additionally, Schy is precluded from obtaining certain needed welfare benefits because of his ownership of the property. Schy wants water service to his property so that he can sell his property to obtain money with which to buy dentures. Happy Acres' water main traverses Schy's property.

In the middle of Schy's attempts to secure a building permit and water service the Commission by Decision No. 81621 dated July 24, 1973 in Case No. 9076 restricted Happy Acres from making any additional connections pending the installation of water treatment facilities, obtaining a health officer's permit, repairing or replacing defective meters, and instituting certain housekeeping operations. That restriction is still in effect. On July 23, 1975, a field investigation was conducted by the Commission staff, members of Sonoma County Department of Public Health Service, and a representative of Happy Acres. With the exception of two items it was found that the utility had done everything as required by the order in the Commission's decision.

The two uncompleted items were the repairing and activating or replacing of all defective meters and the obtaining of a health permit from the Sonoma County Public Health Service. At the hearing evidence was adduced that the item pertaining to meters had been complied with.

Witnesses for Happy Acres acknowledged its duty to render water service to Schy but stated that Happy Acres was precluded from doing so because of the Commission's order requiring a health officer's permit and the refusal of the county to issue such a permit. Issuance of the permit appears to be conditioned on Happy Acres presenting engineering water quantity studies to the county showing the number of domestic customers the water system can adequately serve. Since the studies were presented to the county only the day before the hearing in this case the county witness stated he had not had time to evaluate them although at first glance the studies do not seem to contain sufficient information to reach any conclusion. The engineering witness for the county stated that they received two figures from Happy Acres as to the gallons-per-minute flow (gpm) from the filter on the customer side of the storage tank, namely 75 gpm and 115 gpm, and that the 75 gpm flow when added to the storage capacity of the tank--12,000 gallons--would be sufficient to serve only nine customers, as the water system presently has 12 domestic customers adding an additional customer would adversely affect the present customers.

The witness for the Commission's staff using the formula set out in the Commission's General Order No. 103 determined that 13 customers could be adequately served.

#### Findings

1. Happy Acres is a water corporation as defined in section 241 of the Public Utilities Code.
2. Happy Acres has its tariff and service area map on file with the Commission.

3. Schy owns unimproved land within the service area of Happy Acres.

4. Schy has requested water service from Happy Acres.

5. By order in Decision No. 81621 the Commission restricted Happy Acres from serving any additional customers pending installation of water treatment facilities, obtaining a health officer's permit, repairing or replacing defective meters, and instituting certain housekeeping operations.

6. Happy Acres is well along in satisfying the requirements of the order in Decision No. 81621.

7. Happy Acres is willing to bring water service to Schy's property.

8. Happy Acres has sufficient water available so that connecting water service to Schy's property will not adversely affect other users on the system.

9. Schy is impoverished and needs the money from the sale of his lot to take care of matters pertaining to his health.

10. Schy is unable to sell his property unless water service is connected to the property.

#### Conclusions

1. Happy Acres should be authorized to extend water service to Schy's property.



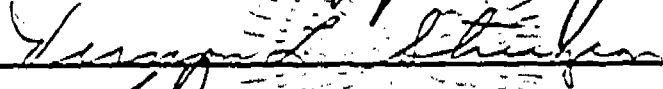
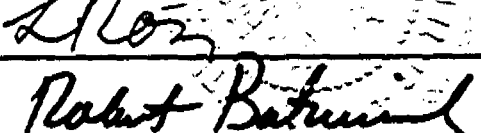
2. Because Schy's is a hardship case the order should be made effective immediately.

O R D E R

IT IS ORDERED that:

1. Happy Acres Water Company, Inc. is authorized to extend water service to the property of Andre Schy located approximately four miles from the unincorporated town of Cotati, Sonoma County.
2. In all other respects Decision No. 81621 remains in effect.  
The effective date of this order is the date hereof.

Dated at San Francisco, California, this 2nd  
day of : JUNE, 1976.

  
\_\_\_\_\_  
President  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners