

Decision No. 86436

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joseph H. Ousey,
Complainant,
vs.
Rio Dell Water Company,
Defendant.

Case No. 10065
(Filed March 9, 1976)

Joseph H. Ousey, for himself, and Irene M. Ousey, for Joseph H. Ousey, complainant.
John J. Downey, for Rio Dell Water Company, defendant.
Alexander Chocas, for the Commission staff.

O P I N I O N

The above matter was heard before Examiner Fraser on June 7, 1976 at Petaluma.

Complainant testified as follows: On or about August 15, 1970 he purchased a vacant lot at 8787 Marianna Drive, in the Rio Dell Subdivision, which is located approximately six miles east of Guerneville; that he bought the lot for \$4,400 after the real estate agent proved water was available by turning on a faucet attached to a pipe located on the property to be purchased; that an approved septic tank was installed on October 20, 1970 to qualify the lot for a building permit; and that on or about February 7, 1976 he listed the lot for sale. A prospective buyer inspected the property and informed complainant that water service was not available; complainant called the county officials involved in the approval of his septic system and was referred to the

defendant water company; on March 1, 1976 an employee of defendant advised that water was available since his lot was already on the system; on March 3, 1976 complainant was advised by a Commission representative that no lots could be connected to the water system without Commission authority. Complainant requests an order compelling the defendant to supply water to said property at his or any future owner's request.

Defendant is willing to connect complainant to the water system. Defendant's manager testified that the property owned by complainant was originally a part of the system until January 1961 when the prior owner requested that the meter be removed and service be terminated. He further testified that an additional connection will have no effect on the system since there have been only five applications for service during the past ten years, and that the county does not issue building permits due to the lack of a modern sewer system.

A staff report was placed in evidence and an engineer testified that on October 16, 1974 (Decision No. 83608 in Case No. 9076) the Commission found that the Rio Dell Water Company had reached the limit of its capacity to supply water and issued an order that no new connections could be added to the system. This decision was a reaffirmation of Decision No. 81621 dated July 24, 1973 in Case No. 9076. The witness further testified that defendant lacks proper storage capacity and that pressure is too low due to many leaks which have been reported and not repaired. It was noted that Case No. 9076 is still pending since defendant has not completed the improvements recommended by the staff.

Defendant's manager testified that banks will not loan money to small utilities and, therefore, the expense of repairs and improvements has been directly assumed by defendant. A late-filed exhibit was received on July 23, 1976 to show the progress made on complying with the requirements listed in the last decision in Case No. 9076.

Discussion

There is no evidence that the lack of capacity which caused us to impose a restriction on new water services in the defendant's service area has been abated to any degree. Modification of Decision No. 83608 is not warranted.

Findings

1. Complainant is the owner of property in the Rio Dell Subdivision served by defendant water utility.
2. The property was served by the defendant utility until January 1961 when service was disconnected and the meter removed at the request of a prior owner.
3. On or about August 15, 1970 water flowed through a pipe on the property as demonstrated by a real estate agent to the present complainant.
4. No one has lived on the property since August 1970 and water service has not been required.
5. Commission Decision No. 83608 dated October 16, 1974 in Case No. 9076 found that the Rio Dell Water Company had reached the limit of its capacity to supply water and ordered that no new connections could be added to the system.
6. The decision also recommended that defendant provide storage facilities and better maintenance before the system is expanded.
7. Complainant was not able to sell the property on February 26, 1976 because of the lack of water service.
8. The lot is unoccupied and has not required water service in recent years. If service is provided it would have to be classified as a new connection.
9. Defendant lacks the capacity to supply water in its service area to new services on its system.

Conclusion of Law

The authorization of a new water service to enable complainant to sell his lot would violate the provisions of Decision No. 83608. The relief requested should be denied.

ORDER

IT IS ORDERED that the relief requested in Case No. 10065 is denied.

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

Dated at San Francisco, California, this 28th day of SEPTEMBER, 1976.

*I dissent. I would
grant the request
William Synors, Jr.*

[Signature]
President

[Signature]

[Signature]
Commissioners