

ORIGINAL

Decision 84 06 025

JUN 6 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The Willits News Corporation,
Complainant,

v

The Little Lake Water Company,
Defendant.

Case 84-03-07
(Filed March 22, 1984)

ORDER OF DISMISSAL

Statement of Facts

The Little Lake Water Company (Little Lake), successor to Pacific Gas and Electric Company, was the public water utility furnishing water service in Willits, California and its environs after June 1981. As a public water utility, Little Lake was under the jurisdiction of this Commission.

Upon assuming its water utility obligations in 1981, Little Lake in accordance with § 4011 of the California Health and Safety Code, applied to the California Department of Health Services (Health Services) for a permit to supply domestic water in and around Willits. That State agency made its investigation and thereafter determined that it had severe concerns over the utility's ability to meet aesthetic water quality standards for the community, and that certain improvements would be required. Accordingly, effective June 27, 1983 it granted Little Lake only a temporary permit, No. 83-026, subject to certain provisions.¹ Provision No. 5 has relevance to this proceeding.

¹ This temporary permit was to expire on June 30, 1985.

Provision No. 5 was that "The Company shall develop a plan, subject to approval by the Department for implementing a cross-connection control program in accordance with Sections 7583 through 7622, Title 17, California Administrative Code," and required that such a plan had to be submitted to the Department by December 31, 1983. This program is required of all major domestic water purveyors to protect the domestic water system of the utility against possible backflow from premises having dual or unsafe water systems.

Health Services's June 1982 survey of 10 commercial and municipal facilities found that all needed correction measures. Additionally it determined that the utility had no adequate cross-connection control program and requested that it initiate one. Under the State Regulations relating to cross-connections the customer has responsibility, at his own expense, to install, operate, test, and maintain approved backflow prevention devices as directed by the utility. Where there is noncompliance there are various hearing processes available before water service may be shut off by the water purveyor.

The Willits News Corporation edits and publishes a twice-weekly local newspaper in Willits. Its facilities back upon a creek. It has no well on its property. As part of Little Lake's survey a water utility employee inspected the newspaper's premises and found a water filtration device hooked up to a faucet in the darkroom. Technically, this would require an anti-syphon device. The newspaper was told that it would have to install a legal and tested backflow device. The newspaper disconnected the water filtration device and stated that it did not plan to use it again nor did it plan to use creek water for any purpose. The utility persisted, finally on March 14, 1984 telephoning the newspaper to inform that service would be disconnected on March 23, 1984 unless a device was installed.

Alleging harassment, the newspaper on March 21, 1984 filed this complaint with the Commission.

Concurrently with these developments the City of Willits (the City) and the Horns, sole proprietor owners of the utility system, had reached an agreement by which the City would acquire the system through eminent domain condemnation proceedings in Superior Court. The associated escrow arrangements were to be consummated by March 30, 1984. Accordingly, Administrative Law Judge John B. Weiss, with the verbal concurrence of the Oakland regional office of Health Services, arranged through Mr. Horn's attorneys for Little Lake to defer any disconnection or other enforcement actions while the escrow and current Court action were pending on sale of the utility. Mr. Horn fully cooperated.

On March 29, 1984 Judge Arthur B. Broaddus of the Mendocino County Superior Court issued his Final Order of Condemnation pursuant to stipulation. This order was immediately recorded by the City and the City took over as owner-operator of the system. This Commission has no jurisdiction over municipally operated and owned water systems. Upon recording of the condemnation order our jurisdiction ended.

Accordingly the Commission finds and concludes that the complaint should be dismissed with prejudice immediately.

IT IS ORDERED that Case 84-03-07 is dismissed with prejudice.

This order is effective today.

Dated JUN 6 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

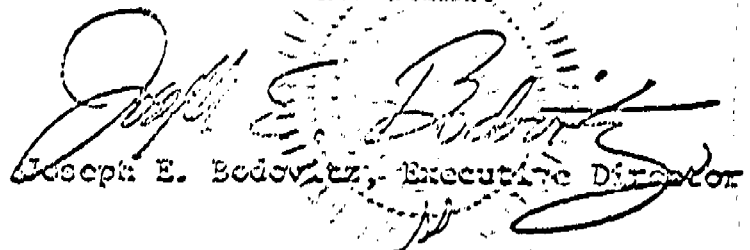
DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

Commissioner Priscilla C. Grow,
being necessarily absent, did
not participate

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director