

Decision 89 07 037

JUL 19 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SAN JOSE WATER COMPANY (U-168-W),)
a corporation, for an order author-)
izing a variance from General Order)
No. 103 Section II(3)(a) to allow)
for normal operating pressure below)
40 p.s.i.g. at certain service)
connections.)

Application 89-01-030
(Filed January 23, 1989)

OPINION

Summary of Decision

The decision authorizes San Jose Water Company (SJWC) a variance from General Order 103 (GO 103) Section II(3)(a). SJWC is granted permission to operate its system, at certain specified locations, below the required normal operating pressure of 40 p.s.i.g.

Background

On January 23, 1989, SJWC filed Application (A.) 89-01-030 requesting variance pursuant to Rule 42 of the Commission's Rules of Practice and Procedure. SJWC requests that, at certain specified locations, it be allowed to operate its system below the 40 p.s.i.g. required by GO 103. SJWC seeks this variance because it has been requested by certain property owners on Sweigert Road in the City of San Jose to provide water service at an elevation where SJWC cannot maintain the required pressure.

The properties in question are lots "A" through "D" as shown on Appendix A to this order. The property owners and the address of their lots A thru D are as follows:

<u>Lot</u>	<u>Property Address</u>	<u>Owners</u>
A	3636 Sweigert Road) San Jose)	Mr. & Mrs. Ken Manning
D	3644 Sweigert Road) San Jose)	
B	3638 Sweigert Road San Jose	Mr. & Mrs. Kim Manning
C	3642 Sweigert Road San Jose	Mr. & Mrs. Catalano

The property owners currently receive water service from their own wells. They propose to discontinue the well service and receive water from SJWC. Accordingly, they have requested SJWC to provide water service to their lots.

SJWC is able to provide water service to the property owners at 40 p.s.i.g. on Sweigert Road at the location shown on Appendix A. SJWC has offered to provide such service. However, receiving service at the SJWC's proposed location would present difficulties for the property owners. These difficulties include the construction of more complicated and expensive private pressure facilities and the acquisition of easements for service lines and pressure system sites. In order to avoid this expense, the property owners request that SJWC install service connections along their common driveway as shown in Exhibit A. SJWC will be unable to provide water service at 40 p.s.i.g. at the service connections in the property owners' driveway.

In addition to the property owners, SJWC has also been requested by a developer to provide water service to his proposed subdivision. The proposed subdivision, Tract 6978 is shown on Appendix B to this order.

SJWC has agreed to serve Tract 6978 on condition that the developer (1) reimburses SJWC for the cost of construction of a water storage tank and the facilities to pump the water to the

tank under Rule 15 of SJWC's tariffs, and (2) provides a site for the tank and the necessary easements for access to the tank.

The developer has agreed to reimburse SJWC for the construction of the tank. The developer has also reached an agreement with the property owners to construct the tank on lot "D." Exhibit B shows the proposed location of the tank.

Returning to the question of the requested variance, according to SJWC, even after the construction of the water tank on lot "D," it will be unable to deliver water to lots "A" through "D" at the required pressure of 40 p.s.i.g. SJWC estimates that water pressure along the property owners' common driveway will vary from 8 p.s.i.g. to 30 p.s.i.g., depending upon the elevation of the service connection to each lot. The property owners have agreed to receive water at lower than the required 40 p.s.i.g. pressure and to install and maintain their own private pressure boosting systems. SJWC will need Commission approval to provide water service below the 40 p.s.i.g. required by GO 103 and accordingly, requests the necessary variance.

A preliminary general plan for the location of the tank site and pipeline in the common driveway is shown in Exhibit C attached to the application.

SJWC asserts that it will not begin any construction related to the requested variance until it has received written acknowledgement from the property owners regarding the terms of providing such service.

SJWC maintains special tariff filings with the Commission indicating those areas of its service area with special pressure conditions. Should the variance be granted, SJWC will file an amended map reflecting the Sweigert Road tank site as an area with special pressure conditions.

As required by GO 96-A, SJWC has notified the property owners and the developer of Tract 6978 of the filing of this application.

The Water Utilities Branch (Branch) of the Commission Advisory and Compliance Division has reviewed the application. Branch has no objection to ex parte granting the requested variance.

Discussion

Section II(3)(a) of GO 103 requires water utilities to maintain a normal operating pressure of 40 p.s.i.g. at the service connection. Water Utilities need a Commission order authorizing a variance from GO 103 to provide water service at pressures below 40 p.s.i.g.

We note that the property owners have agreed to receive their water services at pressures below 40 p.s.i.g. The property owners have also agreed to install and maintain their own pressure boosting service. We believe that since the terms under which SJWC has agreed to serve the property owners will not adversely affect other ratepayers, the requested variance should be granted. We also note that Branch recommends approval of SJWC's request. Therefore, we will authorize SJWC a variance from GO 103 to provide water service to the property owners at pressures below 40 p.s.i.g.

While we grant SJWC the requested variance, we should make it clear that this variance shall not be a basis for future complaints by the property owners. Therefore, as SJWC asserts, it should not begin any construction related to the requested variance until it has received written acknowledgement from the property owners regarding the terms of providing such service.

Further, it should be noted that SJWC is under a mandatory water rationing plan. The rationing plan, among other things, prohibits nonessential use of water and imposes certain restrictions on landscaping for new construction. We expect SJWC to inform the property owners as well as the new customers from Tract 6978 regarding the terms of the rationing plan.

Findings of Fact

1. Section II(3)(a) of GO 103 requires water utilities to maintain a normal pressure of 40 p.s.i.g. at service connections.
2. The property owners request water service from SJWC.
3. SJWC can only provide water service to the property owners at pressures below 40 p.s.i.g.
4. Property owners have agreed to receive water service at pressures below 40 p.s.i.g.
5. Property owners have agreed to install and maintain their private pressure boosting systems.
6. SJWC filed A.89-01-030 seeking a Commission order authorizing a variance from GO 103 to provide water service to the property owners at pressures below 40 p.s.i.g.
7. Authorization of SJWC's requested variance will not adversely affect other ratepayers.
8. Branch recommends approval of SJWC's request for variance.
9. No other comments or protest to the application have been filed.
10. SJWC maintains special tariff filings with the Commission indicating those areas of its service area with special conditions.

Conclusions of Law

1. SJWC should be granted a variance from GO 103 to provide water service to property owners at pressures below 40 p.s.i.g.
2. SJWC should file an amended tariff reflecting the Sweigert Road area as an area with special conditions.

ORDER

IT IS ORDERED that:

1. San Jose Water Company (SJWC) is authorized a variance from Section II(3)(a) of General Order 103 to provide water service at pressures below 40 p.s.i.g. at the following locations.

<u>Lot</u>	<u>Property Address</u>	<u>Owners</u>
A	3636 Sweigert Road) San Jose)	Mr. & Mrs. Ken Manning
D	3644 Sweigert Road) San Jose)	
B	3638 Sweigert Road San Jose	Mr. & Mrs. Kim Manning
C	3642 Sweigert Road San Jose	Mr. & Mrs. Catalano

2. SJWC shall file a revised tariff reflecting the Sweigert Road area described in Ordering Paragraph 1 as an area with special conditions.

3. This proceeding is closed.
This order is effective today.

Dated JUL 19 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
Commissioners

Commissioner Patrick M. Eckert
being necessarily absent, did
not participate.

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


Victor Weisner, Executive Director

Do

THE NEXT 2

DOCUMENTS ARE

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APPENDIX B

RANCHO PUEBLO MILPITAS LANDS

TRACT 6978

