

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GREG M. AMOSS for)
exception from the ban on water)
service connections in the Russian)
River Terrace Water Company)
service area.)

Application 60895
(Filed September 10, 1981)

O P I N I O N

By this application, Greg M. Amoss requests an exemption from the Commission's moratorium on new connections imposed on several of James J. Downey's water systems by Decision (D.) 81621 dated July 24, 1973.

Ordering Paragraph 4 of D.81621 in Case (C.) 9076 provided that:

"Until further order of this Commission James J. Downey, doing business as Penngrove Water Company, Kenwood Village Water Company, Rio Dell Water Company, and Russian River Terrace Water Company, and James J. Downey and W. H. Appleton, doing business as Cannon Manor Water System and Harry Acres Water Company, Inc., shall limit service to those customers presently being served by said water systems."

Applicant is requesting an exemption for his present residence at 11105 Canyon Road, Forestville and for the empty lot next door. Applicant states that he is now living in a three-bedroom, 800-square-foot house with his wife and two children. Water is supplied to his home by a gravity flow spring at 12 gallons per hour. Applicant states that the spring water supply is inadequate

¹ Russian River Terrace Water Company and Rio Dell Water Company have been merged to form Russian River Water Company.

for a family of four necessitating utility water service. If the exemption for the vacant lot is granted, applicant plans to construct a new home on the vacant lot. He alleges there are existing service connections to both pieces of property and that utility water service was previously provided at the 11105 Canyon Road address. He also states that his is the only family in the area not now receiving water service from Russian River Water Company (Russian River). Finally, he states that five other springs have been exhausted in the 40 years his residence has been occupied.

Discussion

D.81621 imposed a moratorium on new service connections to several of James J. Downey's water companies including the Russian River Terrace Water Company and the Rio Dell Water Company. That decision was based on many factors including inadequate water sources, inadequate and deteriorated mains, lack of maintenance, and inadequate storage facilities.

Since D.81621 was issued, six requests for an exemption from the moratorium have been approved and eight requests have been denied for the Russian River system. In granting the latest request, the Commission in D.93428 accepted the applicant's assertion that many of the ordered system improvements had been completed and that the imminent securing of a Safe Drinking Water Bond Act (SDWBA) loan would allow for the addition of a new well, provision for additional storage, and upgrading of several key mains.

The Commission's Hydraulic Branch staff advises that the additional well, additional storage, and upgrading of mains to be financed by the SDWBA loan are necessary to provide adequate service to present customers. The staff further advises that since May 1981 there have been 15 informal complaints to the Commission concerning low pressure and lack of water for up to five consecutive days.

The staff also advises that the State Department of Health Services (Health Department) is extremely concerned about the system's potential health consequences of low water pressure and lack of water. The staff states that the Health Department is opposed to any new connections unless there are other overriding health considerations such as customers taking service from individual wells or springs.²

Because applicant is presently receiving water from an inadequate and potentially hazardous untreated surface source, both the staff and the Health Department favor granting an exemption for the house at 11105 Canyon Road, but are opposed to granting any further exemptions. Pending completion of the system improvements to be financed by the SDWBA loan, they state that any new connections would only exacerbate the existing inadequate service.

As noted above, the moratorium was imposed for many reasons, including inadequate water sources, inadequate and deteriorated mains, lack of maintenance, and inadequate storage facilities. While a SDWBA loan has been approved for Downey to make the necessary improvements to improve service, the evidence is that the system has not yet been improved and is still plagued with inadequate well production, storage, and distribution facilities to provide adequate service to existing customers. This is evidenced by the number of complaints for poor service received by the Commission this year.

Based on the evidence available we will accept the staff's recommendation that for health considerations an exemption should be

² The Health Department notified Downey by letter dated November 12, 1981 that recurring water outages in the Russian River system indicate an inadequate supply and that in accordance with Section 64568 and 64551 of Title 22, California Administrative Code, additional service connections could not be added without the Department's specific approval of each connection.

granted to provide service to applicant's residence at 11105 Canyon Road and that the request for an exemption for the adjacent vacant lot be denied. A public hearing is not necessary.

Findings of Fact

1. Applicant seeks to obtain water service for two lots on Canyon Road, Forestville, California.
2. Applicant is presently living in an 800-square-foot home which is too small for his growing family.
3. A moratorium limiting service to those presently being served was initiated by D.81621 dated July 24, 1973 in C.9076.
4. Since the moratorium there have been six exemption requests approved and eight requests denied.
5. Water is now being supplied to applicant's residence by a gravity flow spring.
6. The gravity flow spring provides an inadequate supply of water to applicant and poses a potential health hazard.
7. There are existing service connections at applicant's lot at 11105 Canyon Road and the vacant lot next door, which he also owns.
8. A SDWBA loan for Russian River to renovate its system, including additional water supply, was approved by D.92061 dated July 29, 1980. That decision authorized a surcharge to existing rates to repay the principal and interest.
9. The system improvements to be made with the SDWBA funds will be monitored by the Commission staff.
10. The connection authorized should impose no burden on customers presently receiving service from Russian River.

Conclusion of Law

As an exception for reasons of public health and safety to the provisions of Ordering Paragraph 4 of D.81621 dated July 24, 1973 in C.9076, as modified by Ordering Paragraph 2 of D.86477 dated October 5, 1976, Russian River should be authorized to provide water service to applicant at applicant's residence at 11105 Canyon Road, Forestville.

O R D E R

IT IS ORDERED that:

1. An exemption to Ordering Paragraph 4 of D.81621 dated July 24, 1973 in C.9076, as modified by D.86477 dated October 5, 1976, is granted. James J. Downey, doing business as Russian River Water Company, shall accept an application from Greg M. Amoss to provide water service to the residence at 11105 Canyon Road, Forestville, California. ✓

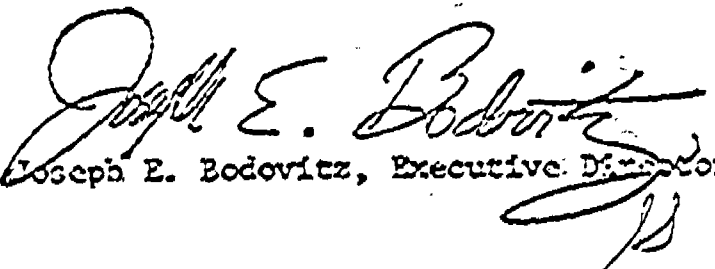
2. The application for an exemption to provide water service to the vacant lot next door to 11105 Canyon Road is denied.

This order becomes effective 30 days from today.

Dated February 4, 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

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


Joseph E. Bodovitz, Executive Director