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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM P. and MARIE R. BUTRICA,)
et al.,)

Complainants,)

vs.)

DARRELL J. and RUTH E. BEASLEY,)
dba PHILLIPSVILLE WATER CO.,)

Defendants,)

Case No. 10129
(Filed June 23, 1976)

To: Darrell J. Beasley, an individual,

ORDER TO SHOW CAUSE

Upon reading the affidavit and application for order to show cause of Leslie D. Hay filed herein, a certified copy of said affidavit and application being attached hereto and incorporated by reference as if fully set forth herein;

NOW IT IS HEREBY ORDERED that Darrell J. Beasley appear before Commissioner William Symons, Jr. or Administrative Law Judge Edward G. Fraser, or such other Commissioner or Administrative Law Judge as may hereafter be designated, at 10 a.m., Wednesday, September 7, 1977, in the Auditorium, Veterans' Building, 483 Conger Street, Garberville, California, and there and then show cause, if any he has, why he should not be adjudged to be in contempt of the Public Utilities Commission of the State of California and punished therefor in the manner prescribed by law for the two offenses of alleged contempt set forth in said affidavit and application for order to show cause; it being alleged therein that Darrell J. Beasley has failed and refused to obey certain orders of the Commission set forth in said affidavit and that said failures and refusals were and are in violation of the law and in contempt of this Commission.

C. 10129, vh*

IT IS FURTHER ORDERED that a true copy of this Order shall be attached to a true copy of said affidavit and application to show cause the both of which to be personally served upon Darrell J. Beasley at least ten days before the date above fixed for the hearing on this order to show cause. It is also ordered that a certified copy of this order attached to copies of the affidavit and application to show cause be served by registered mail on Ellen B. Murray, 34 Brannan Street, Calistoga, California 94515, and that copies be personally served on Geary Mauney, the putative lessee of the Murray Well.

Dated at San Francisco, California, this 23rd day of AUGUST, 1977.

Robert Bateman
President

William Lyons - Jr.

George L. Sturgeon

Robert W. Howell

Wain T. DeBriel
Commissioners

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DARRELL J. and RUTH E. BEASLEY,)
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AFFIDAVIT AND APPLICATION
FOR ORDER TO SHOW CAUSE

State of California)
City and County of San Francisco)

LESLIE D. HAY, being first duly sworn, alleges that:

FIRST OFFENSE

I

He is an assistant utilities engineer with the Public Utilities Commission of the State of California (Commission); and his office address is Room 5227, State Building, Civic Center, San Francisco, California 94102.

Pursuant to his duties with the Commission he made an appearance, testified, and otherwise represented the Commission staff at the hearing in Butrica v. Beasley, Case No. 10129. Further that pursuant to said duties he has inspected and is familiar with all files and records of the Commission pertaining to the Phillipsville Water Company; further, that pursuant to said duties he has made field trips to the Phillipsville Water Company and its service area prior to and subsequent to May 24, 1977.

The Commission is a public body of the State of California created under and by Article XII of the Constitution of California, and exercises such powers, including the power to punish for contempt, as have been conferred on it by Article XII of said Constitution, by the Public Utilities Code, and by various other statutes.

Affiant makes this affidavit and application for order to show cause in his capacity as assistant utilities engineer with the Commission.

II

Darrell J. Beasley and Ruth E. Beasley, husband and wife, doing business as Phillippsville Water Company, operate a public utility water corporation within the meaning of Section 241 of the Public Utilities Code and that Darrell J. Beasley is a water treatment operator, grade 1 as established by the California Department of Health.

III

On June 23, 1976 a complaint was filed by William P. and Marie R. Butrica, et al. requesting that the Commission investigate the operations of Darrell J. Beasley and Ruth E. Beasley doing business as Phillippsville Water Company. Said complaint specifically requested an investigation into the removal of fire hydrants, the location of water meters, and the removal from public use of the Ellen B. Murray Well among other issues. Public hearing in this case was held at Garberville, California, on November 16, 1976. Darrell J. Beasley personally appeared at said hearing. He was represented by Leon Kos, attorney at law.

IV

Thereafter and on May 24, 1977 the Commission rendered its Decision No. 87364 (a certified copy of which is attached hereto marked Exhibit "A" and incorporated by reference as if fully set

out herein); a certified copy of said decision was served upon Darrell H. Beasley and Ruth E. Beasley on June 7, 1977 as evidenced by the registered receipt signed by Darrell J. Beasley, and the letter of June 8, 1977 from Douglas A. Ingold, Darrell Beasley's attorney, to Leslie D. Hay. The originals of these items are in the Commission's Case File No. 10129. In consequence thereof Darrell J. Beasley and Ruth E. Beasley doing business as Phillippsville Water Company had notice and knowledge of the issuance of said decision and of the contents thereof.

V

Paragraph 1 of the ordering paragraphs of Decision No. 87364 provides as follows:

"IT IS ORDERED that:

1. Darrell J. and Ruth E. Beasley, doing business as Phillippsville Water Company, shall within thirty days after the effective date of this order:
 - a. Rearrange the piping in each of the small reservoirs so water will flow unrestricted into the town system, rather than to the favored customers who now receive it.
 - b. Complete the metering of customer's services and notify the Commission, in writing, when all meters have been installed.
 - c. Survey all transmission mains to locate high points, install air release valves thereon, and notify the Commission within ten days that the project has been completed.
 - d. Bill for past-due accounts or credit for overpayments as appropriate, but issue no bills for service rendered prior to six months from the date of the request for payment, notify the Commission within ten days of the date the bills are mailed.
 - e. File up-to-date rules and regulations with the Commission."

VI

Affiant is informed and believes and upon such information and belief alleges that Darrell J. Beasley and Ruth E. Beasley at all times had the ability to comply with ordering paragraph 1 of Decision No. 87364. Affiant further alleges on information and belief the following: Darrell J. Beasley rearranged the piping in the small reservoirs to favor certain customers, and is able to rearrange this piping to provide an unrestricted flow to the town customers. Darrell J. Beasley has installed meters for the utility's customers and is able to complete the metering. Darrell J. Beasley has done maintenance work on the utility's mains and is able to locate the system's high points and install air release valves thereon. Ruth E. Beasley performs the billing for the utility, has possession of its billing records, and is able to perform the ordered billing adjustments. The Commission staff has provided the utility with a set of rules and regulations which it can adopt and file with the Commission.

VII

Affiant is informed and believes and upon such information and belief alleges that Darrell J. Beasley and Ruth E. Beasley doing business as Phillippsville Water Company, while having notice and knowledge of the contents of said decision, including said Paragraph 1 thereof, and while having ability to comply therewith, and while said Decision No. 87364 and Paragraph No. 1 thereof remained in force and effect; has continuously since the service of said decision to the present time, failed and refused to comply with said ordering paragraph no. 1 in that Darrell J. Beasley and Ruth E. Beasley, doing business as Phillippsville Water Company, failed and refused to:

- a. Rearrange the piping in each of the small reservoirs so water will flow unrestricted into the town system, rather than to the favored customers who now receive it.
- b. Complete the metering of customer's services and notify the Commission, in writing, when all meters have been installed.

- c. Survey all transmission mains to locate high points, install air release valves thereon, and notify the Commission within ten days that the project has been completed.
- d. Bill for past-due accounts or credit for overpayments as appropriate, but issue no bills for service rendered prior to six months from the date of the request for payment, notify the Commission within ten days of the date the bills are mailed.
- e. File up-to-date rules and regulations with the Commission.

within 30 days after the effective date of Decision No. 87364, and said failure and refusal was and continues to be in violation of law and in contempt of the Commission.

Second Offense

For a second, separate and distinct offense, affiant alleges as follows:

I

Affiant hereby refers to and incorporates by reference paragraphs I through IV of the first offense, as if set forth fully herein.

II

Paragraph 4 of the ordering paragraphs of said decision provides as follows:

"4. Defendants shall transfer and connect the (Murray) well to their public utility water system forthwith, and Darrell Beasley shall inform this Commission within ten days after the transfer. "

III

Affiant is informed and believes and upon such information and belief alleges that Darrell J. Beasley and Ruth E. Beasley at all

times had the ability to comply with ordering paragraph 4 of Decision No. 87364. Affiant further alleges on information and belief that Darrell J. Beasley has connected and disconnected the well to the system on numerous occasions in the past but has failed to do so pursuant to ordering paragraph 4. Instead he has honored the terms of the lease of the well since the issuance of Decision No. 87364 in violation of said decision.

IV

Affiant is informed and believes and upon such information and belief alleges that Darrell J. Beasley and Ruth E. Beasley, doing business as Phillipsville Water Company, while having notice and knowledge of the contents of said decision, including said paragraph 4 thereof, and while having ability to comply therewith, and while said Decision No. 87364 and paragraph no. 4 thereof remained in force and effect, have continuously since the service of said decision to the present time, failed and refused to comply with said ordering paragraph no. 4 in that Darrell J. Beasley and Ruth E. Beasley, doing business as Phillipsville Water Company, failed and refused to transfer and connect the Murray well to their public utility water system forthwith and inform the Commission of said transfer.


V

This affiant states that based upon the facts stated herein Darrell J. Beasley and Ruth E. Beasley, doing business as Phillipsville Water Company, have been and continue to be in violation of law and in contempt of this Commission, and further states that each of said failures and refusals to obey the lawful orders of this Commission constitutes a separate and distinct act of contempt.

WHEREFORE, affiant prays that the Public Utilities Commission issue its order requiring the said Darrell J. Beasley and Ruth E. Beasley, doing business as Phillipsville Water Company, to appear before said Commission and show cause, if any he or she has, why they

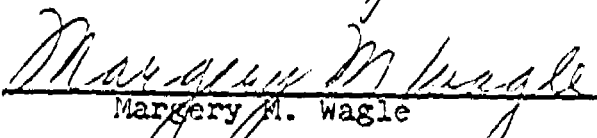
Case 10129*

should not be punished in the manner provided by law for each and all of their contempts of said Public Utilities Commission and of its orders hereinabove described.



Leslie D. Hay
Assistant Utilities Engineer
California Public Utilities Commission

Subscribed and sworn to before me
this ~~19th~~ day of ~~August~~, 1977.



Margery M. Wagle

Notary Public in and for the
City and County of San Francisco,
State of California.

