

SW/fc

ORIGINAL

Decision No. 88000 NOV 8 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Harold Lloyd Cox,
Complainant,

vs.

Tehachapi Mountain Water
Company,
Defendant.

Case No. 10252
(Filed February 4, 1977)

Harold L. Cox, for himself,
complainant.
William A. Anderson, Attorney
at Law, for defendant.
Donald R. Lee, for himself,
intervenor.
Richard Finnstrom, for the
Commission staff.

O P I N I O N

Complainant Harold L. Cox seeks an order requiring defendant Tehachapi Mountain Water Service (Tehachapi) to obtain a permanent water supply permit from the Kern County Health Department (Kern) and provide water service to him within a reasonable length of time. Donald R. Lee filed a timely petition to intervene as a party to the proceeding to obtain the same relief that may be granted complainant.

Public hearing was held before Administrative Law Judge Norman R. Johnson at Los Angeles on September 7, 1977 and the matter was submitted. Testimony was presented on behalf of themselves by complainant and intervenor, on behalf of defendant by its secretary, and on behalf of the Commission staff by one of its engineers and one of Kern's environmental health specialists.

Complainant's and Intervenor's Position

Testimony and exhibits presented on behalf of complainant and intervenor were to the effect that:

1. Both complainant and intervenor have requested service from defendant and have had their requests denied.
2. Complainant and intervenor each purchased 2-1/2-acre lots that had originally been a part of a 10-acre parcel of four 2-1/2-acre lots.
3. Chart 1 of General Order No. 103 would indicate that the 185 gallons-per-minute-output alleged capacity, that the staff's report shows is available to Tehachapi, is adequate for between 30 and 130 metered customers.
4. At least five of Tehachapi's customers are part-time residents with limited water requirements.
5. At least three leaks were observed during a recent inspection of the facilities. A subsequent inspection indicated that two of the three leaks had been repaired.
6. Tehachapi's balance sheet shows \$200 cash on hand. This money could be used to supply the required service pipe.
7. Service could be supplied to both complainant and intervenor without a main extension.
8. Intervenor desires water service for a pear orchard but would "make do" with regular domestic service.
9. Tehachapi Cummings Water District would provide irrigation service to intervenor if he would supply pipe. Cost of water and pipe for such service is very high.

Defendant's Position

Testimony presented on behalf of Tehachapi Mountain Water Company indicated that:

1. Recent repairs to Well No. 1 are estimated to cost between \$1,300 and \$1,700.

2. All distribution main leaks have recently been repaired but the bill for such repairs by an outside contractor has not been received.

3. The margin between revenue received from sales and the power bill is very slight.

4. To connect Well No. 3 into system would require a new pump and motor and approximately one-quarter-mile extension of the main pipe.

5. Complainant's property is approximately 400 feet from the nearest main and should properly be served by a main extension rather than by a service connection.

6. Service cannot be extended to the complainant or intervenor because of restrictions imposed by Kern and this Commission's Decision No. 78094 dated December 15, 1970 in Case No. 9073.

Commission Staff's Position

Testimony and exhibits presented on behalf of the Commission staff indicated that:

1. The alleged capacity of Wells Nos. 1 and 2 of 185 gpm has never been verified by test.

2. Defendant has stated that there is not enough revenue available to cover the cost of new connections.

3. Complainant's and intervenor's properties are within the service area and, therefore, they are entitled to water service subject to compliance with the provisions of the tariffs and the standards in General Order No. 103.

4. A water supply of 185 gpm does not meet General Order No. 103 fire flow requirements without additional storage.

5. Production from each of the wells is not measured as required by General Order No. 103.

6. An order instituting an investigation into the rates, rules, charges, operations, practices, contracts, services, and facilities of defendant should be issued.

7. The quality of water supplied by defendant is good.

8. Kern considers the temporary water supply permit to have expired but not the restrictions for the connection of new customers.

9. Defendant has corrected all the system deficiencies that could affect water quality and to receive a permanent water supply permit needs only to provide an assured supply to serve additional customers through the installation of storage equipment or increased reliable supply quantities.

Discussion

In Decision No. 78094 we found, among other findings, that Tehachapi is a public utility water corporation; that it should be restricted from extending its service area without further order of the Commission because its potential water supply and Brite Basin water rights are insufficient for ultimate development of its service area; that the system wells should be tested to evaluate the adequacy of the supply; that Tehachapi should reequip and connect Well No. 3 to the water system and restrict irrigation usage during periods of peak demand; and Tehachapi should not extend its service area without demonstrating its financial ability to do so. Decision No. 78094 ordered Tehachapi to file tariffs; to file a copy of a water supply permit; to not extend its mains to serve additional customers without further order of this Commission; and within ninety days after the effective date of the order, to file pump tests for the three wells, file a letter advising that Well No. 3 had been connected to the system, and file a program for installing valves in the distribution system to meet the minimum requirements of General Order No. 103. Tehachapi filed the required tariffs, attempted to obtain a water supply permit, and has not extended its mains. It did not, however, file the required pump tests, connect Well No. 3 to the main system, nor install the distribution main valves. The record shows that Well No. 3 has been

inoperable for several years. It is obvious that pump tests on Wells Nos. 1 and 2 are a necessary first step to determine the system's ability to comply with the requirements of General Order No. 103. Decision No. 78094 indicates a capacity for Well No. 1 of 35 gpm and for Well No. 2 of 200 gpm. Tehachapi's annual reports indicate a capacity of 50 gpm for Well No. 1 and 150 gpm for Well No. 2. The staff report indicates an alleged capacity for Well No. 1 of 35 gpm and for Well No. 2 of 150 gpm. Depending on which figures are utilized, Tehachapi's supply capacity ranges from 185 gpm to 250 gpm. An assured capacity of 250 gpm would meet the requirements of General Order No. 103 and, coupled with the corrective and repair work already completed by Tehachapi, could result in the issuance of a permanent supply permit by Kern. If, on the other hand, pump tests indicate an output of less than the minimum 250 gpm fire flow required by General Order No. 103, corrective action in the form of the installation of adequate storage facilities or the repair and utilization of Well No. 3 will be required.

Decision No. 78094 restricted the extension of Tehachapi's service area without further order of this Commission because its water supply is insufficient for the ultimate development of the entire service area consisting of Tracts 2359 R/S and 2439 R/S, containing 85 acres subdivided into 38 lots, and seven adjacent parcels with an area of 77.5 acres. It was not intended to preclude new service connections as is evidenced by Finding 11, which states: "New customers should be served from separate irrigation and domestic service connections." Both complainant and intervenor could be served by service connections without violating the provisions of Decision No. 78094. It is axiomatic that the effect on water supply is the same whether the customer is served from a service connection or a main extension. Because of the distance from the existing main to his property, good engineering

practice dictates that complainant be served from a main extension rather than a service connection. We will, therefore require Tehachapi to serve complainant from a main extension upon receipt of the application and advance deposit provided for in the tariffs.

General Order No. 103 permits the use of the Water Supply Requirements Chart, appended to the order, in determining the quantity of water to be delivered to the distribution system. The flow requirement set forth in this chart equals the product of the number of customers, a gallons-per-minute constant, and a diversity factor. The gallons-per-minute constant ranges from a minimum of two to a maximum of five for metered customers and from a minimum of five to a maximum of nine for flat rate customers. The application of these formulae to the 26 metered (including complainant and intervenor) and four unmetered customers served or to be served by Tehachapi results in a water requirement ranging from a minimum of 94 gpm to a maximum of 216 gpm. It is obvious that the minimum of 250 gpm required by General Order No. 103, including fireflow, will adequately fulfill this requirement for the number of customers herein contemplated. It would also appear probable that the alleged 185 gpm supply testified to by the staff engineer would be adequate to meet the demands imposed on the system by the existing customers and the complainant and intervenor.

Intervenor testified that he desired water to irrigate his pear trees but that he would "make do" with ordinary domestic service. Tehachapi does not have an irrigation schedule but sells potable water to its existing irrigation customers on a metered basis. Decision No. 78094 states that Tehachapi should continue to provide combined residential and irrigation service only to customers now receiving such service and should require separate irrigation and domestic service lines so that irrigation usage could be curtailed during times of system peak demands. With

only an irrigation service, intervenor could be curtailed during times of peak usage if necessary to adequately serve the residential customers. Should intervenor require domestic service at a future date, a separate domestic service should be supplied.

Findings

1. Complainant should be supplied water service upon receipt by Tehachapi of an application of service together with the required advance for construction as provided in Tehachapi's tariffs.

2. Tehachapi should provide irrigation water service and meter for intervenor. Such service, as well as the other irrigation only services, should be subject to curtailment during times of system peak demands if necessary to adequately serve the other customers.

3. Tehachapi should arrange to have a pump test of Wells Nos. 1 and 2 showing capacity in gallons per minute, static and pumping levels, discharge pressures, pump efficiencies, and a description of the equipment.

4. In the event that the pump tests reveal a total capacity of less than 250 gpm, Tehachapi should submit its plans for increasing its capacity to effect compliance with General Order No. 103.

5. Tehachapi should not extend its mains to serve new customers without further order of this Commission.

The Commission concludes that the relief requested should be granted to the extent set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Within sixty days of receipt by Tehachapi Mountain Water Service (Tehachapi) of complainant's application for water service and the required advance for construction deposit in accordance with its tariffs, Tehachapi shall extend its main and connect to complainant's piping.

2. Within sixty days of receipt of an application of service for irrigation water from intervenor, Tehachapi shall install service pipe, curb stop, meter, and meter box to connect to intervenor's piping.

3. Within ninety days of the effective date of this order, Tehachapi shall have pump tests performed on Wells Nos. 1 and 2. The results of such tests showing capacity in gallons per minute, static and pumping levels, discharge pressures, pump efficiencies, and a description of equipment shall be submitted to the Commission staff for review.

4. If the combined capacity of the two wells is less than 250 gpm, Tehachapi shall, within sixty days of submittal of the test results, submit plans detailing equipment and date of installation to provide the required 250 gpm capacity.

5. Within sixty days of the effective date of this order, Tehachapi shall file a revised Rule No. 2 for interruptible irrigation service as attached to this order as Appendix A. Such a filing shall comply with General Order No. 96-A. The effective date of the revised rate schedule shall be four days after the date of filing.

6. Tehachapi shall not extend its mains to serve additional customers, other than as specified in paragraph 1, without further

C.10252 SW/dz/fc

order of this Commission, nor shall it serve additional customers off the existing 2-inch plastic pipe which is approximately 700 feet long.

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

Dated at San Francisco, California, this 8th day of NOVEMBER, 1977.

Robert Bateman

President

William J. ...

Yves P. ...

Claude W. ...

Commissioners

Commissioner Claire T. Dodrick, being necessarily absent, did not participate in the disposition of this proceeding.

DESCRIPTION OF SERVICE

A. Quantities

The utility will endeavor to supply water dependably and safely in adequate quantities to meet the reasonable needs and requirements of customers.

B. Pressures

1. Generally

The utility will endeavor to maintain normal operating pressures of not less than 40 pounds per square inch nor more than 125 pounds per square inch at the service connection, except that during periods of hourly maximum demand the pressure at the time of peak seasonal loads may not be less than 30 pounds per square inch and that during periods of hourly minimum demand the pressure may not be more than 150 pounds per square inch. Variations in pressure under normal operation will not exceed 50% of the average operating pressure. (The average operating pressure will be determined by computing the arithmetical average of at least 24 consecutive hourly pressure readings.)

2. Designated Pressure Area

With designated areas as shown or described on utility's service area map, the utility will endeavor to maintain normal minimum operating pressure between 25 p.s.i.g. and 40 p.s.i.g. with peak load pressures above 20 p.s.i.g. Prior to June 5, 1976 inquiry should be made to the utility for location of such designated areas.

C. Quality

Whenever furnished for human consumption or for domestic uses, the utility will endeavor to provide water that is wholesome, potable, in no way harmful or dangerous to health and, insofar as practicable, free from objectionable odors, taste, color, and turbidity.

D. Interruptible Metered Irrigation Service

Water delivery may be restricted to off-peak hours as scheduled by the utility.

APPENDIX A
Page 2 of 2

TABLE OF CONTENTS

The following listed tariff sheets contain all effective rates and rules affecting the charges and service of the utility, together with other pertinent information:

| <u>Subject Matter of Sheet</u> | <u>Cal. P.U.C. Sheet No.</u> |
|--|----------------------------------|
| Title Page | 2-W |
| Table of Contents | 75-W, 68-W |
| Preliminary Statement | 3-W, 4-W |
| Service Area Map | 5-W |
| Rate Schedules: | |
| Schedule No. 1 - Metered Service | 69-W |
| Rules: | |
| No. 1 Definitions | 6-W, 7-W |
| No. 2 Description of Service | 74-W, 61-W |
| No. 3 Application for Service | 9-W, |
| No. 4 Contracts | 10-W |
| No. 5 Special Information Required on Forms | 11-W, 72-W |
| No. 6 Establishment and Re-establishment of Credit | 13-W |
| No. 7 Deposits | 14-W, 72-W |
| No. 8 Notices | 16-W |
| No. 9 Rendering and Payment of Bills | 17-W thru 19-W |
| No. 10 Disputed Bills | 20-W |
| No. 11 Discontinuance and Restoration of Service | 21-W thru 23-W |
| No. 12 Information Available to Public | 24-W, 25-W |
| No. 13 Temporary Service | 26-W, 27-W |
| No. 14 Continuity of Service | 28-W |
| No. 15 Main Extensions | 29-W thru 39-W, 62-W |
| No. 16 Service Connections, Meters and Customer's Facilities | 40-W thru 44-W |
| No. 17 Measurement of Service | 45-W thru 47-W |
| No. 18 Meter Tests and Adjustment of Bills for Meter Error | 48-W thru 50-W |
| No. 19 Service to Separate Premises and Multiple Units, and Resale of Water | 51-W |
| No. 20 Fire Protection | 52-W |