

O P I N I O N

Complainants, whose residences are served by the water system of defendant Alfred E. Augenstein, dba Buckingham Park Water System, located in Lake County, complain that the service rendered by the system is inadequate and unsatisfactory in that on numerous and prolonged occasions they have experienced water outages and pressures below 25 psig and that the water is dirty, odorous, and contaminated. Pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure, all parties consented to the Expedited Complaint Procedure and waived the presence of a court reporter and a record of the hearing and findings of fact and conclusions of law. The matter was heard December 6, 1977 by Administrative Law Judge Pilling.

The water system now serves 269 customers. There are an additional 253 vacant lots within the water system's service area eligible for service. The system was built in the 1930's. In 1973 the Board of Supervisors of Lake County took it over. As of July 1, 1977, the Lake County Board of Supervisors terminated a Lease Purchase Agreement approved in Decision No. 81740 dated August 14, 1973 entered into between the board on behalf of County Service Area No. 8 and defendant and turned the water system back to defendant who had operated the system since 1955.

There is in effect a boil water order covering water delivered by the system. The Commission staff investigation of the system found that the general irregularities complained of were present and that the system was old and in poor condition. Defendant claims that tests show the water is not contaminated and that considering the amount of water each of the complainants uses, the outages complained of could not exist. Two of the complainants request that the Commission appoint a receiver for the system until a new system can be built. The State Health Department has issued an order requiring certain improvements to be made in the system. The Buckingham Park Homeowners Association is

moving to establish a water district to take over the system but because of the red tape involved, it will be many months before the district can be established. The Commission staff reported that the water system is ranked Number 2 on the priority list for a Proposition 3 - Safe Drinking Water Bond Loan, for building a new system to meet safe drinking water standards but defendant claims that the application for the loan must have been filed when the system was under county control and he is doing nothing about it. Complainant Taylor complains generally about the poor quality of the service rendered by the system and requests that a receiver be appointed to operate the system until such time as a new water system can be built.

O R D E R

IT IS ORDERED that:

1. Complainants' request that the Commission appoint a receiver for the water system is denied.
2. Alfred E. Augenstein shall install at his expense adequate new mains and facilities to connect complainants Yaco and Swisher to the part of the water system supplied by the two 25,000-gallon redwood tanks.
3. The installation ordered in paragraph 2 shall be completed within sixty days from the effective date of this order.
4. Alfred E. Augenstein is ordered to make every effort to obtain a loan from the Department of Water Resources under the Safe Drinking Water Bond Loan Act and, if obtained, he shall install the plant as described in the Brelje and Race Report (Exhibit 3) or a similar plant which shall meet the State Health Department and Commission standards within a year after the effective date of this order.

5. No new water service connections shall be made except for applicants who possess a building permit issued on or before February 1, 1978 with respect to the lot or lots for which service is requested, or as otherwise ordered or approved by the Commission.

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

Dated at San Francisco, California, this 7th day of MARCH, 1978.

Polut Babrin
President
William Aguirre Jr.
Vernon L. Sturgeon
Clayton D. Hoole
Clair D. DeWitt
Commissioners