

ORIGINAL

Decision No. 89582 . OCT 31 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Kenwood Fire Protection District,)
)
 Complainant,)
)
 vs.)
)
 Kenwood Village Water Company,)
)
 Defendant.)

Case No. 10460
(Filed November 8, 1977)

J. Edward Geib, for Kenwood Fire Protection
 District, complainant.
John B. Downey, for Kenwood Village Water
 Company, defendant.
Eugene M. Lill, for the Commission staff.

O P I N I O N

Kenwood Fire Protection District (complainant) requests the Commission to order James J. Downey, dba Kenwood Village Water Company (defendant), to:

1. Cease new connections or extending its service area without first complying with the fire-flow provisions of General Order No. 103;
2. Upgrade the utility's present system to meet the fire-flow requirements of General Order No. 103;
3. Provide complainant with a system layout, including pipe sizes and location of all valves and other appurtenances as specified in Section I.10.a of General Order No. 103;
4. Provide an alternate source of supply pursuant to Section VIII.5 of General Order No. 103 and augment its production facilities with an elevated storage of approximately 60,000 gallons to assure adequate water supply in case of a power outage; and

5. Automate the valve on the Sonoma County Aqueduct so that water will be available in emergencies.

Complainant alleges that since April 1975 defendant has extended mains and added service without regard to fire-flow requirements of General Order No. 103, that the present system meets the "barest of minimum requirements" for domestic flow, none for fire-flow, that the fire hydrant on Treehaven Street and the fire hydrant on Treehaven Court in the Willows Subdivision (the two most recent line extensions) flow less than 150 gpm with no residual pressure, that complainant is reluctant to use any fire hydrants on the system for fear of causing a vacuum with accompanying damage to the system mains, water heaters, and other appliances, and that defendant has not complied with General Order No. 103 which requires that each separately operated system shall have not less than two independent sources of supply.

In answer to the complaint, defendant stated that only the Willows Subdivision extension has been installed since April 1975 and that said extension met with all applicable provisions of General Order No. 103 except the recommended fire-flow requirements for which a deviation was granted by the Commission after a request by complainant's fire chief.^{1/} The defendant also stated that except for the Willows Subdivision, the entire system meets or exceeds all current Commission requirements with respect to fire flow and that in case of power failure the Sonoma County Aqueduct Connection is available as an alternate source of supply.

^{1/} In a letter to the Commission dated August 6, 1976, complainant's fire chief, J. Edward Geib, requested that the Commission allow the completion of the Willows Subdivision and apply the fire-flow requirements of General Order No. 103 to future developments within the defendant's service area.

Defendant also alleged in answer to the complaint that complainant has taken water from fire hydrants without defendant's permission to fill local swimming pools and for well drillers. Defendant asks for authority to file a hydrant tariff charge and for the Commission to order complainant to cease the flagrant and unauthorized use of defendant's water.

Public hearing was held March 7, 1978 at Santa Rosa and the case submitted subject to the defendant's filing Exhibits 2 and 3.

One member of the public appeared at the hearing and stated that defendant's water had an odor, that water pressure was low, and that it was his opinion that the fire hydrants in defendant's service area were useless because of the low water pressure.

Complainant's fire chief, J. Edward Geib, testified and, after reiterating the allegations in the complaint, stated that because of the low pressure he has issued instructions to his firemen not to use fire hydrants to fight fires but authorized the filling of water tanks from fire hydrants; that to his knowledge the alternate source, i.e., the Sonoma County Aqueduct Connection, has never been turned on unless he did so; that defendant cannot be contacted to resolve problems; that he would like to work with defendant on certain extensions; and that contrary to defendant's allegation, water has not been taken from any hydrant for two years without defendant's knowledge nor has free water been provided to well drillers. Chief Geib also stated that complainant opposed paying defendant for water because there is no water available to fight fires and wanted the defendant to share the cost to improve the fire flow.

Mr. John B. Downey, manager of defendant, testified that any new extensions on the system will meet General Order No. 103 requirements; that he had spoken to Chief Geib regarding unauthorized use; and that in testing hydrants with Chief Geib, only one hydrant in the Willows Subdivision tested less than 500 gpm.

On cross-examination Mr. Downey stated that while he did not know the fire-flow of all hydrants on the system, it was his opinion that the system will meet the fire-flow requirements of General Order No. 103 in some places. Mr. Downey also agreed to furnish complainant with a blueprint of the system layout.

In Decision No. 81621 dated July 24, 1973 in Case No. 9076, we ordered James J. Downey, dba Kenwood Village Water Company, to bring the design and construction facilities into conformance with the standard engineering practices and requirements of General Order No. 103, as then existing, and ordered that service be limited to customers presently being served. In Decision No. 82217 dated December 4, 1973 we determined that it was no longer necessary for defendant to limit service to customers presently being served. In Decision No. 86477 dated October 5, 1976 we found that defendant had completed the construction work, repairs, tests, studies, and reports as ordered in Decision No. 81621.

Since Case No. 9076 was instituted to determine, among other things, whether defendant should provide water service to additional customers and since that matter has not been closed, further prohibition on new connections should be considered in that proceeding.

As was pointed out by defendant, complainant was well aware of the potential fire-flow problem with the connection of the Willows Subdivision to defendant's system. In a letter dated August 6, 1976 to the Commission, Chief Geib stated:

"It was never the intent of this district that the fire flow changes to General Order 103. (dated April 15, 1975) be applied to the Willows Subdivision. This subdivision was started long before the new requirements were adopted by the Commission."

While complainant is requesting that defendant be required to meet General Order No. 103 fire flow requirements, defendant utility has not added any fire hydrants to this system, except the two in the Willows Subdivision for which complainant requested a deviation. The record indicates that there is far less than the 500 gpm which appears

to be available in other hydrants outside of this subdivision. To this extent the complaint is justified. Since submission the utility has advised the staff that an obstruction has been identified and has assured the staff that the obstruction will be removed, resulting in significant improvement in the fire flow.

Notwithstanding the above, the record also shows defendant has not complied with the informal agreement with the staff wherein defendant would increase the operating pressures in the tank servicing the Willows Subdivision from 45-55 psi to 50-60 psi. Accordingly, we will expect the necessary steps be taken immediately to accomplish this improvement.

With respect to complainant's request that defendant provide an alternate source of supply in case of a power outage and that the valve on the Sonoma County Aqueduct be automated, defendant's witness testified that the aqueduct water is available for emergencies but must be turned on manually. Defendant opposes the introduction of an automatic valve arguing that water would be pumped without regard to an emergency, and since complainant does not pay for water taken or used, the defendant's cost would be increased significantly without offsetting revenues. Further, the complainant has a key to open the valve should the necessity for water arise. Under the circumstances we agree with defendant and will not order the installation of an automatic valve connecting the Sonoma County Aqueduct.

Based on the above, we believe that, except as provided herein, the relief requested should be denied.

Findings

1. Defendant provides water service for the community of Kenwood, Sonoma County, California.
2. Defendant extended mains to the Willows Subdivision in 1975. In 1976 defendant extended service to the Willows Subdivision after an informal opinion from the Commission staff approving the new connection.

3. The Commission staff approved the connection of the Willows Subdivision with the understanding that defendant would increase operating pressures in the storage tank serving the Willows Subdivision from 45-55 psi to 50-60 psi and to augment flow from the Sonoma County pipeline. Defendant has not increased the pressure as agreed.

4. Complainant, by letter dated August 6, 1976, asked that service to the Willows Subdivision be exempt from the fire-flow requirements of General Order No. 103.

5. Defendant admits that hydrants on Treehaven Street and Treehaven Court in the Willows Subdivision do not meet the fire-flow requirements of General Order No. 103.

6. Complainant has made unauthorized use of water taken from fire hydrants on defendant's system.

7. Defendant receives no remuneration for water used by complainant taken from fire hydrants on defendant's system.

8. Defendant should make every effort to bring the entire system up to the standard provided in General Order No. 103.

9. Defendant's present connection to the Sonoma County Aqueduct, though it must be activated manually, is adequate to meet the emergency requirements placed on the system.

The Commission concludes that except as provided herein, the relief requested should be denied.

O R D E R

IT IS ORDERED that:

1. Within one hundred eighty days after the effective date of this order, James J. Downey, dba Kenwood Village Water Company, shall increase the operating pressures in the storage tank serving the Willows Subdivision in the community of Kenwood, Sonoma County, to 50-60 psi.

2. In all other respects, the relief requested is denied.

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

Dated at San Francisco, California, this 31st day of OCTOBER, 1978.

Robert Bateman
President
William J. Downey
Joseph L. Sturgeon
Richard D. Howell
Clair T. DeSist
Commissioners