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Decision No. 89614 OCT 3 1978

ORIGINAL

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

IT IS HEREBY ORDERED that Darrell J. Beasley and Ruth E. 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., Tuesday, December 19, 1978, in the Auditorium, Veterans' Building, 483 Conger Street, Garberville, California, and there and then show cause, if any he or she has, why he or she 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 offense of alleged contempt set forth in said affidavit and said application for order to show cause; it being alleged therein that Darrell J. Beasley and Ruth E. Beasley have 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.

IT IS FURTHER ORDERED that a true copy of this Order be attached to a true copy of said affidavit and said application to show cause and that they be personally served upon Darrell J. Beasley and Ruth E. 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 be attached to copies of the affidavit and the application to show cause and they be served by registered mail upon Ellen B. Murray, 34 Brannan Street, Calistoga, California 94515, and that copies be personally served upon Geary Mauney, the putative lessee of the Murray Well.

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

Robert Bateman
resident
William J. Amos
Raymond J. Sturgeon
Robert D. Swale
Clair J. Deibel
Commissioners

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DARRELL J. and RUTH E. BEASLEY,
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Defendants,

Case No. 10129

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:

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, pursuant to said duties he has inspected and is familiar with all files and records of the Commission pertaining to the Phillippsville Water

Company. And, further, pursuant to said duties he has made field trips to the Phillippsville 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. 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, on May 24, 1977, the Commission rendered 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 then served upon Darrell J. 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 Phillipsville Water Company, had notice and knowledge of the issuance of said decision and of the contents thereof.

V

Paragraph 2 of the ordering paragraphs of Decision No. 87364 provides that:

"2. Darrell J. and Ruth E. Beasley shall within ninety days of the effective date of this order:

- a. Repair all leaks in transmission lines and the 10,000-gallon reservoir.

- b. Obtain and place in operation an additional source of supply with a continuous capability of not less than 75 gallons per minute and notify the Commission, in writing, within ten days thereafter.
- c. Reinstall at their own cost the fire hydrants which were removed subsequent to the staff's March 1976 investigation, at or near the former locations, and notify the Commission, in writing, within ten days of the installation.
- d. Replace the combination of one-inch and two-inch distribution mains, which extend from the four-inch discharge line from the 10,000-gallon reservoir to the Anderson and Canady residences, with a six-inch or larger main, to be installed in roadways or right-of-way protected by easement; and notify the Commission, in writing, within ten days of replacing the mains.
- e. Provide the Commission with an itemized list of costs involved in restoring the 60,000-gallon reservoir to service and an estimate of when the necessary repair work will be started."

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 2 of Decision No. 87364. Affiant further alleges on information and belief the following:

- a. Darrell J. Beasley has made repairs on the utility's transmission lines and on said utility's 10,000-gallon reservoir, and is able to make the additional repairs ordered for those facilities;
- b. Darrell J. Beasley has provided water for the utility's customers and is able to provide the additional supply ordered;

- c. Darrell J. Beasley has installed fire hydrants for use by the utility's customers and is able to perform the reinstallation ordered;
- d. Darrell J. Beasley has installed piping and is able at his own expense to perform the replacement of pipes ordered;
- e. Darrell J. Beasley has maintained the utility's 60,000-gallon reservoir and is able to itemize the costs necessary to restore said reservoir to service and to estimate when such restoration will begin.

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 Decision 87364, including ordering paragraph 2 thereof, and while having ability to comply therewith, and while said decision and said paragraph 2 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 2, in that Darrell J. Beasley and Ruth E. Beasley, doing business as Phillippsville Water Company, failed and refused to:

- a. Repair all leaks in transmission lines and the 10,000-gallon reservoir;
- b. Obtain and place in operation an additional source of supply with a continuous capability of not less than 75 gallons per minute and notify the Commission, in writing, within ten days thereafter;
- c. Reinstall at their own cost the fire hydrants which were removed subsequent to the staff's March 1976 investigation, at or near the former locations, and notify the Commission, in writing, within ten days of the installation;

- d. Replace the combination of one-inch and two-inch distribution mains, which extend from the four-inch discharge line from the 10,000-gallon reservoir to the Anderson and Canady residences, with a six-inch or larger main, to be installed in roadways or right-of-way protected by easement; and notify the Commission, in writing, within ten days of replacing the mains;
- e. Provide the Commission with an itemized list of costs involved in restoring the 60,000-gallon reservoir to service and an estimate of when the necessary repair work will be started;


within 90 days after the effective date of Decision No. 87364, and said failure and said refusal were and continue to be in violation of law and in contempt of the Commission .

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

 Leslie D. Hay
 Assistant Utilities Engineer
 California Public Utilities Commission

SUBSCRIBED AND SWORN to before me this 30th day of October, 1978.


 FLORENCE E. CROZIER
 NOTARY PUBLIC - CALIFORNIA
 COUNTY OF SAN FRANCISCO
 My commission expires Apr. 23, 1982

Florence E. Crozier

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