

Decision No. 29767 DEC 19 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the status, operations, service, maintenance, facilities, equipment, water supply, practices, rates, rules, tariff schedules and records of James J. Downey, doing business as Greenvue Estates Water Company, Inverness Park Water Company, Kenwood Village Water Company, Penngrove Water Company, Point Reyes Water Co., Rio Dell Water Company, and Russian River Terrace Water Co.; and James J. Downey and W. H. Appleton, doing business as Canon Manor Water System; and Happy Acres Water Company, Inc., in Sonoma and Marin Counties.

Case No. 9076  
(Filed June 9, 1970)

John E. Downey, for James J. Downey,  
respondent.  
Sara S. Myers, Attorney at Law, for  
the Commission staff.

SEVENTH INTERIM OPINION

The Commission investigation of James J. Downey, doing business under various fictitious names, has been the subject of numerous hearings and interim orders since its institution on June 9, 1970. The matter was taken under submission on the filing of late-filed Exhibit 12 on December 13, 1976.

For the purpose of updating the record, the investigation was reopened and further hearing was held before Administrative Law Judge Daly on September 20, 1978 at Guerneville and September 21, 1978 at San Francisco, with the matter again being taken under submission on the latter date.

As the result of interim orders and service improvements resulting therefrom the investigation has primarily narrowed to the operations of two systems, i.e., Rio Dell Water Company (Rio Dell) and Russian River Terrace Water Co. (Russian River). The main complaints expressed by customers of these two systems relate to low pressure, frequent outages, and difficulty in contacting utility personnel.

On July 25, 1978 the staff visited the service areas of Russian River and Rio Dell, at which time they spoke to various customers and took pressure readings. Subsequently, the staff returned for a closer inspection of the Rio Dell facilities, particularly those along River Road to the northwest of Mirabel Road as well as a portion of the system along Adobe Road at Davis Lane.

As a result of its investigations, the staff concluded that existing system inadequacies can be remedied only by increasing storage capacity and/or the installation of new and larger mains.

The staff, therefore, recommends the following (Exhibit 82):

1. Add 20,000 gallons of storage capacity at a higher level site in the Rio Dell service area.
2. Inspect mains throughout the Rio Dell system and replace with new pipe to conform to General Order No. 103. Abandon "patch-up" as a maintenance technique. Replace the 3/4-inch supply line along River Road west of Champ De Elysses.
3. Inspect the mains of the Russian River service area and upgrade to General Order No. 103 specifications.
4. Replace the existing 2-inch main beneath Adobe Road in the Penngrove area with new pipe conforming to General Order No. 103 specifications.
5. Maintain a dependable answering system so that customer complaints can be promptly received and acted upon.
6. Interconnect the service areas of Rio Dell and Russian River so as to achieve a more balanced and dependable flow. Continue the ban on new connections pending system improvements. James J. Downey should notify the staff of major construction improvements so that they can be inspected in progress.

According to John B. Downey, who is the son of respondent James J. Downey, application has been made for a \$372,180 loan for the Russian River system and \$170,640 for the Rio Dell system under the California Safe Drinking Water Bond Act of 1976 and verbal assurance has been made that they would be approved.

Upon receipt of the money, James J. Downey contemplates the following improvement projects for the Russian River system:

1. Purchase and install 350 water meters.
2. Install 4,400-foot transmission main (and flow meter) to interconnect Rio Dell and Russian River water systems.
3. Install two storage tanks with appurtenances thereto. One with a capacity of 100,000 gallons and the other with a capacity of 30,000 gallons.
4. Replace and install approximately 16,100 feet of undersized and deteriorated distribution mains.
5. Install fail-safe chlorination and water monitoring equipment.

and the following improvement projects for the Rio Dell system:

1. Installation of an additional well source supply to augment existing wells.
2. Purchase and install 200 meters.
3. Install one 100,000-gallon and one 30,000-gallon storage reservoirs.
4. Replacement of approximately 4,000 feet of distribution mains.
5. Install fail-safe chlorinations and water monitoring equipment.
6. Install auxiliary connections to Forestville County Water District.

It is estimated that it would require 24 to 30 months to complete all projects.

John B. Downey testified that one of the two service men assigned to the Rio Dell and Russian River systems moved from Rio Dell to Windsor four months ago because the house he was renting had been sold; his new residence is approximately 10 minutes driving time from the service areas; although there is a recording device at his residence, his new number has not as yet been listed; and as a result of recent arrangements with General Telephone Company of California and The Pacific Telephone and Telegraph Company his own telephone number as well as the telephone numbers of both service men will be listed in the next directories.

Eight public witnesses testified at Guerneville and one at San Francisco. Their testimony supports the findings made by the staff in its July 1978 investigation. The main complaints related to low pressure and frequent outages during the summer months as well as difficulty in contacting James J. Downey or one of his representatives to report service problems.

Several witnesses in the Penngrove area, who have been issued building permits and contemplate, or are in the process of, building new homes, were interested in hooking up to James J. Downey's service rather than installing wells.

The fire chief of Penngrove testified that existing water pressure is inadequate for fire-fighting purposes. This was an issue in Case No. 10468, which is presently under submission and will be treated in a separate opinion.

After consideration the Commission finds and concludes that:

1. With the exception of the Rio Dell and Russian River water systems, there has been general compliance with all interim decisions in Case No. 9076 relating to physical improvements.
2. Customers in the Rio Dell and Russian River systems are experiencing low pressure and outages, particularly during the summer months, and have experienced difficulty in contacting James J. Downey, John B. Downey, and service representatives by telephone to report service problems.
3. The service problems complained of in the Rio Dell and Russian River systems can only be remedied by increasing existing storage capacity and by installing new and larger mains.
4. The system improvements as recommended by the staff, as set forth in Exhibit 82, will increase storage and main distribution in both water systems.
5. James J. Downey has applied for loans in the amounts of \$372,180 and \$170,640 under the California Safe Drinking Water Bond Act of 1976 and upon receipt of such funds will commence construction of projects that will substantially comply with the staff's recommendations in Exhibit 82.
6. James J. Downey should file with the Commission a plan and time schedule for the system improvements recommended by the staff in Exhibit 82.
7. James J. Downey has taken steps to improve telephone communications between his customers in the Rio Dell and Russian River water systems and himself as well as his local representatives by additional telephone listings, but consideration should be given to the installation of radio telephones in the company's maintenance

trucks or to the use of an answering service that can contact service men by way of beepers.

8. The restriction against new hookup as imposed by Decision No. 81621, as modified, should remain in effect pending further order of this Commission. Exemptions from the restriction should be considered on an individual basis.

SEVENTH INTERIM ORDER

IT IS ORDERED that:

1. Respondent James J. Downey shall make the system improvements as recommended by the staff in Exhibit 82.

2. Within one hundred twenty days after the effective date hereof, James J. Downey shall file with this Commission a plan and time schedule for the system improvements as set forth in Exhibit 82 and shall also file monthly progress reports until all recommended improvements have been made.

3. The restriction against new service hookup as imposed by Decision No. 81621 shall remain in full force and effect insofar as it applies to the Rio Dell Water Company and the Russian River Terrace Water Company until further order of this Commission.

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

Dated at San Francisco, California, this 19th day of NOVEMBER, 1978.

Robert Bateman  
 President

William Squares Jr.

Vernon L. Stegeman

Richard W. Powell

Clare J. DeLush  
 Commissioners