

Decision No. 89782 DEC 19 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

WILLIAM G. VOGEL,  
Complainant,  
vs.  
ARROWHEAD UTILITY COMPANY,  
Defendant.

(ECP)  
Case No. 10632  
(Filed August 24, 1978)

William G. Vogel, for himself,  
complainant.  
Don M. Mauk, for defendant.

OPINION AND ORDER

This is an Expedited Complaint Procedure pursuant to Rule 13.2 of the Rules of Practice and Procedure and Section 1702.1 of the Public Utilities Code. A public hearing was held before Administrative Law Judge Main in Twin Peaks on October 11, 1978, and the matter was submitted. Complainant testified on his own behalf. In addition, testimony on his behalf was presented by Donald C. Conley and John Durney. Testimony on behalf of defendant was presented by Don M. Mauk, its general manager and assistant secretary.

Complainant owns a cottage at Lake Arrowhead where water services are provided by Arrowhead Utility Company. He typically has been charged the minimum bimonthly rate of \$18.50, using less than the 1,000 cubic feet per billing period provided under the minimum rate. However, for the period of January 27 through March 31, 1978, the meter at his Lake Arrowhead premises registered 68,530 cubic feet of usage, resulting in a \$1,001.11 water bill.

The matter was brought to the Commission staff for review under File No. IC-71040-W. The utility reduced the bill from \$1,001.11 to \$509.80 pursuant to its policy of providing an approximate 50 percent reduction in charges where water is not put to beneficial use. That policy was cited in Decision No. 89187 dated August 8, 1978 in Case No. 10574.

By this complaint, complainant seeks a further reduction in the disputed bill, which would reduce the charges to the minimum bimonthly charge of \$18.50. It is complainant's contention that either the meter must have malfunctioned or some other error occurred because a delivery of 68,580 cubic feet of water to his premises simply is not conceivable under the circumstances. Defendant contends that the meter did not malfunction and, therefore, correctly registered 68,580 cubic feet of water being used during the period of January 27, 1978 through March 31, 1978. Defendant further contends that a line break or a valve being left open could have accounted for the inordinately high usage and heavy rains could have delayed its detection.

On the one hand, the evidence does show that the meter was tested and found to be registering within the limits of accuracy prescribed by this Commission, that meter readings for this account since 1974 display a pattern indicative of being regularly made except when snow conditions did not permit, and that the disputed bill was correctly computed. On the other hand, the evidence shows that complainant retains a patrol service which enters his cottage weekly to make sure all windows and exterior doors are locked and which patrols the area daily, that it is unlikely for 65,860 cubic feet of water to pass through the meter and go undetected by the patrol service (i.e., 65,860 cubic feet equals 1.6 acre-feet, which is a sufficient quantity of water to cover a 65' x 120' lot, complainant's lot size, to a depth of over eight feet), and that there was not a break in

complainant's water pipes. At Lake Arrowhead there was, however, over 100 inches of rainfall during the 1977/1978 winter season in contrast to a normal of 42 inches.

Complainant is clearly entitled to an adjustment to his water charges. ~~It is inconceivable that defendant's meter has accurately recorded complainant's water use.~~ Further, we are convinced that a substantial adjustment to complainant's bill is in order. We note that were we to reduce the charges to \$254.90, 50% of that presently being demanded by the defendant, complainant would still be required to pay a bill that reflects a water use in excess of 2,000 gallons per day. Under the circumstances we believe that complainant is entitled to the exact relief requested -- reduction of charges to the \$18.50 minimum bimonthly rate.

IT IS ORDERED that the sum of \$509.80 deposited with the Commission be disbursed as follows:

- \$491.30 to William G. Vogel
- \$18.50 to Arrowhead Utility Company

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

Dated at San Francisco, California, this 10th day of DECEMBER, 1978.

Robert Bateman  
President

William G. Vogel

Vernon L. Sturgeon

Clayton W. Howell

Clair T. Deland  
Commissioners