

ORIGINAL

Decision No. 91919 JUN 17 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ROBERT THOMAS and MICHELLE THOMAS,
Complainants,

vs.

SOUTHERN CALIFORNIA WATER COMPANY,
Defendant.

(ECP)
Case No. 10834
(Filed February 6, 1980)

Robert Thomas and Michelle Thomas,
for themselves, complainants.
Richard F. Gruszka and James E.
Meyers, for defendant.

O P I N I O N

Complainants contend they did not receive all of the water billed to the customer of record, Robert Thomas (Thomas) by defendant Southern California Water Company (SoCal) between July 31 and September 28, 1979, with the result that corresponding water bills were greater than they should have been. They also contend that water pressure and water quality were inadequate.

In its answer, filed February 28, 1980, SoCal denies all of the allegations in the complaint.

This matter was heard in accordance with the Expedited Complaint Procedure on March 17, 1980 in Los Angeles before Administrative Law Judge Norman B. Haley pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure and Section 1702.1 of the Public Utilities Code, and the matter was submitted.

By letter dated October 30, 1979 Robert Thomas filed an informal complaint with the Commission in Los Angeles concerning the dollar amount of his water bill for service to his residence at 1815 Arizona Avenue, San Bernardino, California 92411. At that time payments totalling \$57 were deposited relative to a disputed bill of \$57.68 for the billing period ending July 31, 1979. The Commission's Consumer Affairs Branch investigated the matter with Thomas and SoCal. The matter could not be resolved informally and on February 6, 1980 Case No. 10834 was filed. The informal complaint (File No. 792-08831) was received as Exhibit 1 in Case No. 10834.

Allegations of Complainants

The allegations in the complaint in Case No. 10834, and the relief sought, are summarized below:

1. SoCal's district office is at 7045 Palm Avenue, San Bernardino, California 92346.
2. Contested water bills were for quantities greater than consumed. There was no way the billed amounts could have been consumed when water was used only for essentials.
3. The water bill jumped from \$4 to \$57 to \$110 and down to \$39. The contested bills are \$57 for the billing period ending July 31, 1979, and \$110 for the billing period ending September 28, 1979.
4. When SoCal was asked to read the meter, no one came out until it was time to read the meter for the next bill. At that time the meter reader only tapped the meter a couple of times and said it was OK.
5. Ever since the informal complaint (Exhibit 1) was filed with the Commission, complainant has been harassed by SoCal, and water was turned off twice without giving any notice.

6. The water is undrinkable because there is more sand than water. When dishes are washed they are gritty. There is not enough pressure to flush the toilet. It is necessary to use a plunger in the toilet each time it is flushed. Neighbors have stated they have the same problems.

7. An order is requested adjusting the water bills and requiring SoCal to furnish drinkable water and enough pressure to flush the toilet.

Michelle Thomas testified for complainants. She contended that the reason the water bills for the months involved ranged from \$4 to \$57 to \$110 to \$39 was because a new meter was installed after the \$110 bill. When the \$57 bill came she requested that the meter be read. When the meter reader came it was time to record for the next bill. He stated the meter showed the next bill would be still higher. That turned out to be the \$110 bill.

Michelle Thomas contended that pressure is so low a shower cannot be taken while the lawn is being watered. It is not possible to run the tub and flush the toilet at the same time. The toilet has to be flushed up to three times and a plunger used in the bowl before it can be cleared. The cesspool was pumped out recently but that did not correct the toilet flushing problem. The toilet is an ordinary tank or reservoir type that releases stored water from the tank into the bowl by gravity when the flushing lever is operated. The witness stated that the rubber ball stopper in the toilet storage tank is in good working order and does not leak. An evaporative air cooler on the roof was not operable during the billing periods involved. A water leak in the cooler was repaired about September 15, 1979 but the cooler was not made operable. The witness stated there

are no known leaks on the premises. She said she does not have a dishwasher or other washing machine. Assertedly, either bottled water is purchased for drinking or tap water is allowed to stand until the sand settles.

A meeting notice of San Bernardino West Side Community Development Corporation (the evening of March 17, 1980) relative to water quality and prices was introduced by Michelle Thomas as Exhibit 3. The notice was introduced as additional evidence to support the allegations in the complaint.

Presentation of SoCal

The responses in the answer in Case No. 10834 are summarized below:

1. Robert Thomas is billed under SoCal's tariff Schedule No. SB-1, San Bernardino Valley District, General Metered Service.

2. Thomas' water meter was a Trident meter, Serial No. 20654577. This meter was taken out of service on November 30, 1979 and was tested for accuracy on December 3, 1979. The meter test results are as follows:

| | |
|-------------------------------|-----------------|
| At 1/4 GPM ^{1/} flow | 85.0% accuracy |
| At 1/2 GPM flow | 94.5% accuracy |
| At 2 GPM flow | 100.0% accuracy |
| At 12 GPM flow | 99.9% accuracy |

The meter test results show that at no time did the meter register a greater quantity of water than actually passed through the meter. Accordingly, SoCal assumes the quantity of water registered as having passed through the meter onto Thomas' premises was indeed delivered. ✓

1/ GPM means gallons per minute.

3. The billing history for Robert Thomas, who signed for service to commence on May 17, 1979, is as follows:

| Billing Period | Meter Reading | | Consumption in Ccf ^{2/} | Dollar Amount | Arrears ✓ |
|-------------------|---------------------------------------|------------------------|-------------------------------------|------------------|-----------------|
| | Current | Previous | | | |
| 5-17-79 | 192 | - | - | \$ - | \$ - |
| 5-30-79 | 200 | 192 | 8 | 4.78 | - |
| 7-31-79 | 313 | 200 | 113 | 57.68 | - |
| 9-28-79 | 511 | 313 | 198 | 110.25 | 57.68 |
| 11-30-79 | 577 | 511 | 66 | 39.76 | 167.93 |
| 11-30-79 | 000 | new meter installed | | | |
| 1-31-80 | 055 | 000 | 55 | 33.89 | 207.69 |
| 2-7-80 | payment received amount in arrears | | | | 39.76 167.93 |

The first bill rendered to Thomas in the amount of \$4.78 is for a 13-day period and is not a full billing period and, therefore, not a regular normal bill for comparative use to subsequent bills.

The variation in consumption of water from July 31, 1979 to September 28, 1979 to November 30, 1979 is a variation that could be caused by seasonal weather conditions. SoCal has no knowledge as to the end consumptive use of the water by Thomas.

4. SoCal has turned off water service for nonpayment of water bills. All turn-off service has been in compliance with rules and regulations on file with the Commission. Water service was turned off on November 14, 1979. Water service was turned on on November 14, 1979 when SoCal was informed that Thomas deposited \$57 with the Commission. Water service was again turned off and back on on January 28, 1980 for nonpayment of the subsequent water bill. The January 28 turn-off was made on a five-day notice left at Thomas' premises. Thomas was renotified by first class mail that service would be terminated on Tuesday, February 5, 1980,

^{2/} Ccf means hundred cubic feet.

because the September and November 1979 bills were past due. After negotiations with Thomas, SoCal accepted \$39.76 (the November bill) as a condition for not turning off water service and agreed to await the resolution of the entire problem by the Commission. ✓

5. Thomas was notified of termination of service on November 19, 1979 and January 28, 1980 by notice deposited at the premises by SoCal's serviceman. The notice of termination of service on February 6, 1980 was made by first class mail addressed to Thomas at 1815 Arizona Street, San Bernardino, California 92411. Said letter was deposited in the U.S. Mail by SoCal's district personnel on January 28, 1980. ✓

6. SoCal declares that the water in its San Bernardino Valley District has at all times been in compliance with the California State Drinking Water Standards.

7. SoCal declares that the water in its San Bernardino Valley District does not contain large amounts of sand. Certain of the water wells in the District do produce minute quantities of sand which are not a problem.

8. SoCal placed a 24-hour pressure recording device at the southeast corner of Lincoln Avenue and Arizona Street approximately 100 feet north of Thomas' premises, 1815 Arizona Street, for a 24-hour period commencing on February 21, 1980 and ending on February 22, 1980. The chart shows the system pressure ranged from a low of 70 psi^{3/} to a high of 80 psi. During this 24-hour period the temperature was approximately 60 to 65 degrees and the weather was intermittent rain and sunshine. The size and kind of water main in Arizona Street is 4-inch transite and in Lincoln Avenue it is also 4-inch transite.

^{3/} Psi means pounds per square inch.

SoCal requests, among other things, that the \$167.93, shown above as the amount in arrears due SoCal, be paid by Thomas in three monthly installments. Two installments would be \$55.97 and one would be \$55.99, in addition to the regular bimonthly bill.

Richard Gruszka of SoCal testified, among other things, that he researched temperature for the area for the period July 1 to September 28, 1979 when high consumption was recorded on Thomas' meter. He used climatological data recorded at the San Bernardino County Hospital, which is the temperature station SoCal has used in previous times for normalization of water sales. The record at the hospital shows that during July, August, and September 1979 there were 27, 22, and 29 days, respectively, when the temperature was 90 degrees or greater. He said that high temperature alone could account for the high consumption. He said SoCal's service investigation report and Exhibit 1 show that Thomas does have an evaporative water cooler.

Mr. Gruszka said SoCal put a 24-hour recording chart on Thomas' meter in March 1980 and the pressure ranged from 70 to 80 psi. At the hose bib on Thomas' premises the company found an 86 psi reading. SoCal excavated on Thomas' side of the meter to determine what kind of a pipeline the customer has. This is a 3/4-inch galvanized pipe which is connected to the customer's service line. SoCal's tract records indicate that this pipe was installed in 1954. Mr. Gruszka stated it is very possible that the static pressure is quite high and the pipe internally is corroded and deteriorated badly, and that is why Thomas may not receive the proper quantity of water in the house.

With respect to the toilet problems Mr. Gruszka stated that, based upon his participation in water conservation programs, it is the quantity of water stored in the water tank that causes

the bowl to empty. The water leaves the tank through a pipe into the bowl and through the bowl down to the sewer. He said the water system pressure has no influence on the function of the toilet bowl.

Mr. Gruszka introduced as Exhibit 2 a water quality report (general physical analysis) of the Clinical Laboratory of San Bernardino, Inc. (Appendix A hereof). The report shows that on March 11, 1980, at six sampling points in the area on SoCal's system, water quality was excellent.

Discussion

Thomas' water consumption, between May 17 and September 28, 1979, was measured by Trident Meter No. 20654577. That meter was taken out of service on November 30, 1979 and tested on December 3, 1979. The meter generally tested on the low side. The meter, therefore, did not register a greater quantity of water than actually passed through it. Bills of \$57 and \$110, based on meter readings for billing periods ending July 31 and September 28, 1979, respectively, are correct.

The record does not show what use was made of the water after it passed through the meter. In any event, what happened to the water after it passed through the meter is not the responsibility of SoCal. SoCal's investigation report No. 6789, pursuant to its investigation order dated September 24, 1979, is attached to Exhibit 1. The report shows, among other things, that there were no leaks at the meter and that the one-foot hand on the meter was not moving, indicating no leaks on Thomas' premises at that time. The report notes that the customer said the water cooler had been leaking but that it had been fixed two weeks earlier.

The preponderance of days during the billing periods involved, which had maximum temperatures of 90 degrees or over, could alone account for the high consumption during the billing periods involved. The leak in the evaporative water cooler and watering of the lawn are additional factors that could have led to the high consumption recorded during the periods involved.

Water is brought to Thomas' premises through a four-inch transite line. Pressure tests on SoCal's system 100 feet north of Thomas' premises, on February 21 and 22, 1980, recorded 70 and 80 psi, respectively. Pressure at the hose bib on Thomas' premises registered 86 psi. These pressures are adequate. The 86 psi at the hose bib does not mean there was an adequate volume of water flowing through the pipes on the premises at that time. Volume could be less than desirable because of flow restrictions. If there are significant restrictions in Thomas' pipes, pressure and volume can be greatly reduced, particularly if two or more valves are open at the same time.

SoCal's four-inch transite pipe is a nonmetallic conduit that would be impervious to either external or internal corrosion by electrolysis. Neither would deposits build up on the inside as the result of electrolysis. In contrast, the 3/4-inch galvanized steel pipe, laid in 1954 between the meter and Thomas' house, easily could have corroded and accumulated substantial deposits on the inside from electrolysis, thereby restricting flow.

SoCal's water system pressure has no influence upon the functions of Thomas' toilet bowl under any circumstances. Based upon the record it is clear that the toilet bowl problem described has to do with disposal of the waste to the sewer line.

If the storage tank fills slowly it may be from restrictions in the pipes or the shut-off valve leading to the tank.

SoCal admits that certain wells in the District do produce minute quantities of sand, but that this is not a problem. The large quantities of sand or grit complained of cannot be attributed to the normal production of those wells. The independent water quality laboratory report (Appendix A hereof) discloses that on March 11, 1980, at six sampling points in the area on SoCal's system, water quality was excellent. There was only a slight chlorine odor. The evidence on this record does not disclose the reason or reasons for the poor water quality complained of. We can only speculate as to possible causes as follows:

1. Prior to or during the billing periods in question some particulate matter may have come through the meter from SoCal's system.
2. Scale inside pipes and other plumbing installed in 1954 on Thomas' premises may be gradually working loose, causing grit and color to appear in the water.
3. Normal accumulations of rust and chemical deposits in the bottom of the water heater may have been carried along to the lavatory, sink, and tub. This problem largely can be corrected by drawing off pails of water from the bottom of the water heater on a regular basis.

We wish to emphasize that the possibilities identified above are purely speculative and cannot be detected on this record as the source or sources of any problem. However, we will give complainants the benefit of the doubt as to the source of at least some of the problems and reduce the two bills complained of as reparation for any grit or other matter that may have come from

SoCal's system. We will reduce the two bills complained of to \$50 each. This amounts to a total rebate of \$67.93 for possible loss of full beneficial use of the water furnished during the two billing periods involved because of some particulate matter in the water furnished.

Rule 13.2(i) of the Commission's Rules of Practice and Procedure states that "Decisions rendered pursuant to the Expedited Complaint Procedure shall not be considered as precedent or binding on the Commission or the courts of this state."

O R D E R

IT IS ORDERED that:

1. The bills of \$57.68 and \$110.25, identified in the foregoing opinion, are reduced to \$50 each.
2. Deposits with the Commission by complainant, Robert Thomas, in the sum of \$57 with respect to this complaint shall be disbursed to Southern California Water Company (SoCal).
3. SoCal shall issue a separate water bill to Robert Thomas recapping all unpaid monies due SoCal, with allowance for the rebate specified in Ordering Paragraph 1, and the deposit identified in Ordering Paragraph 2.

4. In all other respects the relief requested is denied.
The effective date of this order shall be thirty days
after the date hereof.

Dated JUN 17 1980, at San Francisco, California.

John E. Byron
President

William L. Sturgeon
Richard D. Gravello
Francis J. Jones
Commissioners

Commissioner Richard D. Gravello, being
necessarily absent, did not participate
in the disposition of this proceeding.

/ALJ/SW
C.10834

APPENDIX A

Clinical Laboratory of San Bernardino, Inc.

1309 N. D ST., SAN BERNARDINO, CA
PHONE (714) 883-2216

P. O. BOX 329, SAN BERNARDINO, CA 92402

PURVEYOR: Southern California Water Company

ADDRESS: 7045 Palm Avenue

Highland, Ca. 92316

COLLECTED BY: Fernando R. Monreal

RECEIVED
GENERAL PHYSICAL ANALYSIS MAR 14 1980

ENGINEER DEPT.

Recommended

15

3

5

| NO.* | SAMPLING POINT* | TEMP* F | TIME COLL* | UNITS OF COLOR | THRESHOLD COLOR NO. | TURBIDE FTU |
|------|--------------------------|------------|---------------|-------------------|------------------------|----------------|
| 1. | 1902 Lincoln Avenue | 62 | 8:21 AM | 0 | 2 | 0.15 |
| 2. | 1938 18th Street | 61 | 8:16 AM | 0 | 1 | 0.1 |
| 3. | 2460 Gardena Street | 61 | 8:22 AM | 0 | 2 | 0.25 |
| 4. | 7696 26th Street | 61 | 8:35 AM | 0 | 2 | 0.4 |
| 5. | 7767 30th Street | 62 | 8:43 AM | 0 | 2 | 0.25 |
| 6. | 3086 Pennsylvania Street | 57 | 8:48 AM | 0 | 1 | 0.5 |

C.10834
EX 2-
S. PRUSZKA
3-17-80

ORDERED BY SAMPLER

Slight chlorine odor.

RECEIVED: 3-11-80

DATE EXAMINED: 3-11-80

EXAMINED BY: *Ray...*

ALL ANALYSES DONE BY "STANDARD METHODS", 14TH ED., APHA