

ORIGINAL

Decision No. 92242 SEP 16 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Leland G. Dahlin,)
)
 Complainant,)
)
 vs.)
)
 Big Hill Water Company, Inc.,)
)
 Defendant.)
 _____)

Case No. 10761
(Filed July 11, 1979)

Mrs. Leland G. Dahlin, for Leland G. Dahlin,
complainant.
A. C. Still, for Big Hill Water Company,
defendant.

O P I N I O N

Relief Sought

Complainant now owns and maintains the water service pipe extending 240 feet from the meter to his property line. Complainant contends that defendant should be required to relocate the meter at his property line and to furnish and maintain the water piping from the main to the relocated meter. Defendant disagrees with this contention.

Public hearing was held in San Francisco before Administrative Law Judge James F. Haley and the matter was taken under submission on July 14, 1980.

Summary of Evidence

Complainant is the owner of a residence located on Lot 39 of Monte Grande Heights subdivision near Sonora in Tuolumne County. When the subdivision was developed (during 1962-1963), complainant was offered a connection to the water system at the time it was installed by the developer. However, complainant refused the connection because he had made arrangements to obtain water from the canal of Pacific Gas and Electric Company. If complainant had elected to take water from the system at that time, the developer would have installed a service connection closer to the property line. As it was, the developer did not install any piping or make any other provision to serve complainant.

In 1966 the water system was acquired from the developer by A. C. Still, who operates it together with another system nearby as a California corporation under the name Big Hill Water Company^{1/} (Big Hill). In December 1967, complainant applied to Big Hill for water service. Big Hill advised complainant that water service would be provided only if complainant installed piping to the nearest service connection on the system. Complainant apparently agreed to this arrangement because he then installed at his expense a line to an existing service connection on Big Hill's main. Complainant began receiving service on January 1, 1968, and he has been a Big Hill water customer continuously since that date.

^{1/} The water system was constructed by the developer without a certificate of public convenience and necessity as required by Public Utilities Code Section 1001. Big Hill Water Company was declared by this Commission to be a public utility water corporation by Decision No. 85935, dated June 8, 1976 in Case No. 9960.

The right-of-way in which Big Hill's main is located is dedicated to public use; however, complainant's property does not front on it. Complainant brought his service line down the private access road to his property to the public road and then down the public road to the nearest service connection on Big Hill's main.

The service installed by complainant is, for the most part, one-inch diameter polyethylene pipe, which has been prone to developing leaks. Up to now, Big Hill has provided water service on a flat rate basis; hence, the losses occasioned by these leaks have been borne by the utility. Big Hill is under an order from this Commission to meter all of its services, and, when installation of meters on the services of all customers of the Monte Grande Heights system is completed, complainant will be charged for the water lost through leaks on his service line. The leaks are significant, because they have caused heavy registration on the meter installed on complainant's service some months ago. Although complainant has not yet been billed on a meter-rate basis, the knowledge that he soon will be has probably helped motivate him to petition the Commission for an order requiring Big Hill to move the meter closer to his property line.

In his petition complainant asserts that paragraphs of V.2.a.(2) and V.2.d. of the Commission's General Order No. 103 require that the water meter should be closer to the property line.

Paragraph V.2.a.(2) of General Order No. 103 reads:

"Utility's Responsibility. In urban areas with dedicated front streets, rear service roads, or public utility easements the utility shall furnish and install the service pipe, curb stop, meter and meter box at its own expense for the purpose of connecting its distribution system to the customer's piping, except, for temporary services, and as otherwise provided in the utility's main extension rules. The service connection, curb stop, meter and meter box may be installed at a convenient place between the property line and the curb, or inside the customer's property line where necessary. The service connection shall determine the point of delivery to the customer of water service by the utility. No rent or other charge will be paid by the utility where such utility owned service facilities are located on a customer's premises. In areas which do not have dedicated front streets, rear service roads, or public utility easements the utility shall furnish and install the service pipe, curb stop, meter and meter box at a convenient point on or near the customer's property except for service beyond the service area."

Paragraph V.2.b. of General Order No. 103 reads:

"Location and Service. The customer's piping shall extend to that point on the curb line or property line easiest of access to the utility from its existing distribution system or requiring the least extension of the existing distribution main. The utility should be consulted before installation thereof and its approval of location secured."

The evidence shows that complainant's action in refusing to take water service from the water system when it was built is responsible for the nearest service connection on the Big Hill main being

240 feet from his property line. Had complainant elected to receive service when, and as afforded by the subdivider, the main could have been installed with a service connection at a point considerably nearer his property. Thus, complainant effectively waived any relief which might otherwise been afforded in Paragraph V.2.a.(2) by refusing service in the first instance and by subsequently agreeing to the conditions under which service was later provided to him. As for Paragraph V.2.b., the present serving arrangements are compatible with its requirements.

The record shows that it would be uneconomic for Big Hill to install the 240 feet of piping necessary to place the meter at complainant's property line. Under all of the circumstances prevailing in this situation, Big Hill would be entitled to a deviation, pursuant to Paragraph I. 11, from any provision of General Order No. 103 which might otherwise require it to relocate the meter at complainant's property line. Paragraph I.11 reads:

"Deviations from Any of These Rules. In those cases where the application of any of the rules incorporated herein results in undue hardship or expense to the utility, it may request specific relief by filing a formal application in accordance with the Commission's Rules of Procedure, except that where the relief to be requested is of minor importance or temporary in nature, the Commission may accept an application and showing of necessity by letter."

The appropriate means available to complainant for arranging to have his meter set closer to the property line would be to enter into a main extension agreement under Rule No. 15 of the filed tariffs of Big Hill Water Company. In this manner, the Big Hill water main could be extended to a point closer to complainant's property. Complainant, however, would be required to make a cash construction advance in accordance with the provisions of the rule.

Findings of Fact

1. Complainant refused to take water service at the time the system was installed.
2. If service had been accepted by complainant at that time, the water main could have been arranged to provide for a service connection closer to complainant's property line.
3. Complainant agreed to the arrangements under which service was subsequently provided to him.
4. Complainant's water service was established before Big Hill was declared to be a public utility subject to the jurisdiction of this Commission.
5. Relocation of the water meter at complainant's property line would result in undue hardship and expense to Big Hill.

Conclusions of Law

1. General Order 103 does not require Big Hill to relocate complainant's meter closer to his property line.
2. Complainant is not entitled to the relief sought.
3. The complaint should be denied.

C.10761 ALJ/rr/hh

O R D E R

IT IS ORDERED that the complaint in Case No. 10761
is denied.

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

Dated SEP 16 1980, at San Francisco, California.

John E. Coyne
President
William P. Strickland
Richard W. Hoyle
Paul J. Padgett
Samuel M. Smith
Commissioners