

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY & COMPLIANCE DIVISION  
Water Utilities BranchRESOLUTION NO. W-3549  
March 13, 1991R E S O L U T I O N(RES. W-3549) BIG HILL WATER COMPANY (BHWC). ORDER  
AUTHORIZING A WATER RATIONING PLAN.SUMMARY

BHWC, by Advice Letter (AL) No. 15, filed on February 11, 1991, has requested authority to add Rule 14.1 and Schedule 14.1 to its tariffs establishing a mandatory water rationing plan for its entire service territory. BHWC's proposal is in response to a Tuolumne Water Service (TWS) cut of February water allocation of 35% for all resellers on its raw water ditch system. BHWC obtains all of its water supply from TWS, an agency administered by the Tuolumne County Board of Supervisors. Because of the continuing drought, the water supply in the region is in jeopardy. BHWC serves about 235 residential customers in an unincorporated area of Tuolumne County near Sonora.

BACKGROUND

TWS is a water wholesaler to BHWC, and delivers untreated water through its ditch system to about 14 resellers including BHWC and 2 other Commission-regulated utilities. TWS also sells treated water to residential, business, and industrial customers in the county including Sonora Water Company, another Commission-regulated utility. TWS's main storage facilities are Lyons and Pinecrest reservoirs on the south fork of the Stanislaus River. Both storage facilities have been seriously depleted during the last four years of drought and TWS faces a serious water shortage for the coming year.

The Tuolumne County Board of Supervisors at its February 5, 1991 meeting reduced water deliveries to water resellers on the ditch system to 65% of 1990 deliveries on a monthly basis. In addition, it placed its retail customers on rationing and cut agricultural supplies entirely. The supply situation on February 15, 1991 indicated approximately a 100-day supply of water remained in Lyons and Pinecrest reservoirs at a 35% reduced rate of consumption. At present there is extremely light snowpack to produce runoff and if the lack of significant rainfall continues for the remaining two months of the wet season, TWS will implement more stringent measures. TWS has tentatively planned for a 50% cutback in April allocations.

DISCUSSION

To achieve the necessary reduction, BHWC requests authority to impose mandatory rationing on its customers as set forth in AL 14's proposed Rule 14.1 and Schedule 14.1.

Rule 14.1 would:

Prohibit nonessential and unauthorized water use, as set forth in the attached Rule 14.1. Most significantly, it includes a total ban on outdoor use from any hose or other connection to the water system.

Schedule 14.1 would:

1. Establish customer water allocations at five Ccf per month (one Ccf is one hundred cubic feet) regardless of historical usage.
2. Establish the following penalties:

usage from 5 to 10 Ccf	\$1.00 per Ccf
usage from 10 to 15 Ccf	\$5.00 per Ccf
usage above 15 Ccf	\$10.00 per Ccf
3. Establish an exceptions procedure where unusual circumstances dictate a change in allocation.
4. Provide that penalty funds are not to be accounted for as income, but are to be kept in a separate reserve account for disposition as directed by the Commission.
5. Provide that if a customer does not reduce use to the percentage cutback in deliveries to Big Hill Water Company by Tuolumne Water Service or the Tuolumne County Board of Supervisors or otherwise violates the provisions of Rule 14.1, after written warning, the utility may install a flow restrictor to be left in for a minimum of three days. The second time a restrictor is installed it may be left in until rationing ends.
6. Establish charges of \$25 for 5/8" to 1" meters and \$50 for 1-1/2" to 2" meters for removing restrictors, and provides that continuing nonessential or unauthorized use may result in disconnection.
7. Establish an appeal procedure first through the utility, then to the Commission staff through the Executive Director, then to the Commission via a formal complaint.

PUBLIC NOTICE

As required by Sections 350-358 of the California Water Code, BHWC notified customers by mail on February 11, 1991 of the public hearing on February 20, 1991. The C.W.C. requires a public notice seven days prior to the public hearing.

The meeting was held in Sonora at 7 pm. Approximately 20 customers attended. All were supportive of the rationing but were critical of TWS for poor planning. Some customers expressed concern over the small allotment without regard to household size. The company indicated that there is an appeal process for contesting the allotment.

PROTESTS

No other comments or protests have been received.

FINDINGS

1. All of BHWC's water supply is obtained from Tuolumne Water Service's ditch system.
2. Due to the continuing drought, the amount of water available to Tuolumne Water Service is insufficient to meet its resale customer's needs, including BHWC's, without creating an unreasonable risk to public health and safety. The Water Service has therefore cut water deliveries to resellers by 35% for the February delivery period and will take more stringent action at a later date if the supply situation does not improve.
3. BHWC has declared a water shortage emergency following the requirements of the California Water Code, Section 350 et seq., after determining that the ordinary demands and requirements of customers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.
4. BHWC's proposed rationing plan as set forth in AL 14's proposed Rule 14.1 and Schedule 14.1 is necessary to ensure the equitable allocation of such water supplies as are available, with particular regard to domestic use, sanitation, and fire protection.
5. The escalating penalties provided for under BHWC's proposed Schedule 14.1 for excess usage are necessary to promote compliance with customers' maximum allocations.
6. The restrictor removal charges established under BHWC's proposed Schedule 14.1 are reasonable and justified to compensate BHWC for costs incurred in installing and removing such restrictors.
7. BHWC's proposal to accumulate the amounts collected under its excess usage penalty rate in a separate account for eventual disposition in a manner to be determined by the Commission rather than accounting for them as utility income is appropriate.

IT IS ORDERED THAT:

1. Big Hill Water Company is authorized to add Rule 14.1 and Schedule 14.1 to its tariffs establishing a mandatory rationing plan as proposed by Advice Letter No. 15. Rule 14.1 and Schedule 14.1 shall apply to service rendered on or after its effective date. The effective date of Rule 14.1 and Schedule 14.1 shall be the same as the effective date of this resolution.
2. Big Hill Water Company is authorized to file an advice letter to modify the allocations set forth in Schedule 14.1 if and when Tuolumne Water Service or the Tuolumne County Board of Supervisors changes rationing demands on this utility. Any modification shall not be more stringent than required by Tuolumne Water Service or the Tuolumne County Board of Supervisors. Such advice letter will become effective five days after the date of filing.
3. Rule 14.1 and Schedule 14.1 shall continue in force until such time as the Commission directs their modification or repeal.
4. Big Hill Water Company is authorized to create a memorandum account to collect excess water use penalties. Penalty funds shall be held in this account for future disposition in a manner to be determined by the Commission rather than accounting for them as utility income.
5. This resolution is effective today.

I hereby certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on March 13, 1991. The following Commissioners approved it:

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
DANIEL WM. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

  
NEAL J. SHULMAN  
Executive Director

RULE 14.1

MANDATORY WATER CONSERVATION AND RATIONING PLAN

GENERAL INFORMATION

If water supplies are projected to be insufficient to meet normal customer demand, the utility may elect to implement voluntary conservation using the portion of this plan set forth in Section A of this Rule after notifying the Commission's Water Utilities Branch of its intent. If in the opinion of the utility more stringent water conservation measures are required, the utility shall request Commission authorization to implement the mandatory conservation and rationing measures set forth in Section B.

The Commission shall authorize mandatory conservation and rationing by approving the Rationing Tariff, Schedule 14.1. When this Schedule has expired or is not in effect, mandatory conservation and rationing measures will not be in force. Schedule 14.1 will set forth water use allocations, excess water use penalties, charges for removal of flow restrictors, and the period during which mandatory conservation and rationing measures will be in effect.

When Schedule 14.1 is in effect and the utility determines that water supplies are again sufficient to meet normal demands and mandatory conservation and rationing measures are no longer necessary, the utility shall seek Commission approval to rescind Schedule 14.1 to discontinue rationing.

In the event of a water supply shortage requiring a voluntary or mandatory program, the utility shall make available to its customers water conservation kits as required by Rule 20. The utility shall notify all customers of the availability of conservation kits.

A. CONSERVATION - NONESSENTIAL OR UNAUTHORIZED WATER USE

No customer shall use utility-supplied water for nonessential or unauthorized uses as defined below:

1. Use of water through any connection when the utility has notified the customer in writing to repair a broken or defective plumbing, sprinkler, watering or irrigation system and the customer has failed to make such repairs within 5 days after receipt of such notice.
2. Use of water which results in flooding or run-off in gutters, waterways, patios, driveways, or streets.

(continued)

RULE 14.1  
(Continued)

WATER CONSERVATION/RATIONING PLAN

3. Use of water from a direct connection to the water system for washing aircraft, cars, buses, boats, trailers or other vehicles.
4. Use of water through a hose for washing buildings, structures, sidewalks, walkways, driveways, patios, parking lots, tennis courts, or other hard-surfaced areas.
5. Use of water for watering streets with trucks, except to protect the health and safety of the public.
6. Use of water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used.
7. Use of water for landscaping in connection with any new construction.
8. Use of water from a hose or other connection to the water system for watering outside plants, lawn, landscape and turf areas.
9. Use of water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recycled water.
10. Use of water for the filling or refilling of swimming pools.

B. RATIONING OF WATER USAGE

In the event the conservation measures required by Section A are insufficient to control the water shortage, the utility shall, upon Commission approval, impose mandatory conservation and rationing. The water allocated for each customer, the time period during which rationing shall be in effect, and any additional conditions, will be set forth in Tariff Schedule 14.1, which shall be filed for this purpose at the time such rationing is approved by the Commission.

(continued)

RULE 14.1  
(Continued)

WATER CONSERVATION/RATIONING PLAN

Before rationing is authorized by the Commission the utility shall hold public meetings and take all other applicable steps required by Sections 350 through 358 of the California Water Code.

C. ENFORCEMENT OF MANDATORY CONSERVATION AND RATIONING

1. The water use restrictions of the conservation program in Section A of this rule become mandatory when the rationing program goes into effect. These restrictions are applicable whether or not the customer exceeds the monthly water allocation.
2. Upon inception of the mandatory provisions of this Rule the utility may, after one verbal and one written warning, install a flow-restricting device on the service line of any premises where utility personnel observe water being used for any nonessential or unauthorized use as defined in Section A.
3. A flow restrictor shall not restrict water delivery by greater than 50% of normal flow and shall provide the premises with a minimum of 5 Ccf/month. The restrictor may be removed only by the utility, after a three-day period has elapsed, and upon payment of the appropriate removal charge as set forth in Tariff Schedule 14.1.
4. After the removal of a restricting device, if any nonessential or unauthorized use of water continues, the utility may install another flow-restricting device. This device shall remain in place until rationing is no longer in effect and until the appropriate charge for removal has been paid to the utility.
5. Each customer's water allocation shall be shown on the water bill. Water allocations may be appealed in writing as provided in Section D of this Rule. If a customer uses water in excess of the allocated amount, the utility may charge the excess usage penalty shown in Tariff Schedule 14.1.
6. Any monies collected by the utility through excess usage penalties shall not be accounted for as income, but shall be accumulated by the Company in a separate account for disposition as directed or authorized from time to time by the Commission.

(continued)

RULE 14.1  
(Continued)

WATER CONSERVATION/RATIONING PLAN

7. The charge for removal of a flow-restricting device shall be in accordance with Tariff schedule 14.1.

D. APPEAL PROCEDURE

Any customer who seeks a variance from any of the provisions of this mandatory water conservation and rationing plan or a change in water allocation shall notify the utility in writing, explaining in detail the reasons for such a variation. The utility shall respond to each such request.

Any customer not satisfied with the utility's response may file an appeal with the staff of the Commission. The customer and the utility will be notified of the disposition of such appeal by letter from the Executive Director of the Commission.

If the customer disagrees with such disposition, the customer shall have the right to file a formal complaint with the Commission. Except as set forth in this Section, no person shall have any right or claim in law or in equity, against the utility because of, or as a result of, any matter or thing done or threatened to be done pursuant to the provisions of this mandatory water conservation and rationing plan.

E. PUBLICITY

In the event the utility finds it necessary to implement this plan, it shall notify customers and hold public hearings concerning the water supply situation, in accordance with Chapter 3, Water Shortage Emergencies, Sections 350 through 358, of the California Water Code. The utility shall also provide each customer with a copy of this plan by means of billing inserts or special mailings; notifications shall take place prior to imposing any fines associated with this plan. In addition, the utility shall provide customers with periodic updates regarding its water supply status and the results of customers' conservation efforts. Updates may be by bill insert, special mailing, poster, flyer, newspaper, television or radio spot/advertisement, community bulletin board, or other appropriate method(s).



Schedule No. 14.1

WATER RATIONING

APPLICABILITY

This schedule applies to all water customers served under all tariff rate schedules authorized by the Commission. It is only effective in times of rationing, as required by Rule 14.1, and only for the period noted in the Special Conditions section below.

TERRITORY

This schedule is applicable within the entire territory served by the utility.

ALLOCATION

Each customer shall be allocated a lifeline of 500 cubic feet (5 Ccf) per month with no penalty charge.

EXCESS WATER USE PENALTY

For water used in excess of the allocated amount during each billing period for all service rendered on and after the effective date of rationing,

5-10 Ccf.....	\$ 1.00 per Ccf
10-15 Ccf.....	\$ 5.00 per Ccf
15 Ccf or more.....	\$10.00 per Ccf

The excess water use penalty is in addition to the regular rate schedule cost per Ccf.

FLOW RESTRICTOR REMOVAL CHARGE

The charge for removal of a flow-restricting device shall be:

Connection Size	Removal Charge
5/8" to 1"	\$25
1-1/2" to 2"	\$50

SPECIAL CONDITIONS

1. This tariff schedule shall remain in effect until revoked by the Commission.

(continued)

Schedule No. 14.1  
(continued)

WATER RATIONING

2. If a customer does not meet the rationing goal set by Tuolumne Water Service, or otherwise violates the provisions of Rule 14.1, the utility may, after one verbal and one written warning, install a flow restricting device on the service line of any customer.

3. For any customer without a prior billing record, or where unusual circumstances dictate a change in allocation, the customer's allocation shall be determined by the Company on the basis of usage by similar customers or on such other basis as may be fair and equitable under the circumstances.

4. Excess water use penalties are separate and in addition to any penalties for violating Section A of Rule 14.1, which prohibits nonessential and unauthorized uses of water. Consumption of less than the full allocation of water in any billing period shall not release a customer from compliance with Section A of Rule 14.1.

March 22, 1991

Service is generally satisfactory. There are no Commission orders requiring system improvements, nor are there significant service problems requiring corrective actions.

To promote water conservation, EPWC has requested through bill inserts that its customers reduce their water consumption by 15%. EPWC also makes water conservation kits available to its customers. No other water conservation measures are required at this time.

At the proposed rates, the typical residential customer's bill will increase from \$15.13 to \$16.19 per month or 7.0 percent for an average use of 1,700 cubic feet.

#### PROTESTS

EPWC mailed a notice of this increase request to customers on January 4, 1991. Three letters of protest have been received. No substantive protests have been received.

#### FINDINGS

East Pasadena Water Company is directed to maintain its balancing account as required by Public Utilities Code 792.5.

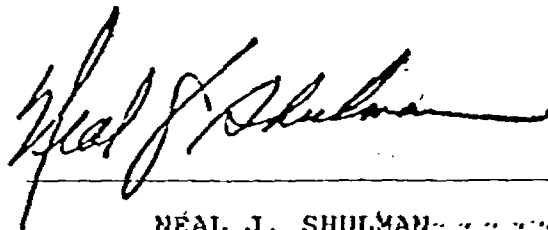
THE COMMISSION FINDS, after investigation by the Branch, that the rate increase hereby authorized is justified, and the resulting rates are just and reasonable.

#### IT IS ORDERED THAT:

1. East Pasadena Water Company is authorized, on the effective date herein, to make effective revised Schedule No. 1, General Metered Service, attached to Advice Letter No. 44 and to cancel the presently effective Schedule No. 1.
2. This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on March 22, 1991. The following Commissioners approved it:

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners



NEAL J. SHULMAN  
Executive Director