

Service Date: June 15, 1992

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

In the matter of La Casa Grande Estates) UTILITY DIVISION
Water Company, Complaint by Jerome) DOCKET NO. 92.4.18
Woodward et al., Concerning water) ORDER NO. 5629
restrictions imposed for the)
1992 season.)

*** FINAL ORDER ***

APPEARANCES

For the Complainants:

Mary Wright, Staff Attorney, Montana Consumer Counsel

For the Utility:

Robert Cummins, Attorney at Law, 1 Last Chance Gulch, Helena, MT
59601

For the Commission:

Martin Jacobson, Staff Attorney, Montana Public Service Commission,
1701Prospect, Helena, MT 59620

Ron Woods, Rate Analyst, Montana Public Service Commission, 1701
Prospect, Helena, MT 59620

Before:

Bob Anderson, Commissioner and presiding officer

Ted Macy, Commissioner

Wallace W. "Wally" Mercer, Vice Chairman (part 1)

Danny Oberg, Chairman (part 2)

INTRODUCTION

On April 3, 1992, Jerome Woodward filed a Complaint before the Montana Public Service Commission (PSC) against La Casa Grande Estates Water Company (La Casa).

On May 14, 1992 this Complaint, with minor amendments, was joined by Robert Deruy and, within a few days, by many other La Casa customers. The Complaints contest La Casa's 1992 irrigation season water restrictions, effective May 1, 1992, to September 15, 1992.

The PSC notified La Casa of the Complaint and supplemental Complaints. La Casa filed Answers. Hearings were scheduled in two

parts. Part 1, receipt of evidence from the complaining consumers, was held on May 27th, 1992. Part 2, receipt of evidence from La Casa, was held June 4, 1992.

FINDINGS OF FACT

La Casa is a private water utility serving the approximately 150 households in La Casa Grande Estates Subdivision, near East Helena, Montana. On April 1, 1992, La Casa informed its customers that water restrictions for the 1992 irrigation season would be imposed effective May 1, 1992, for the purpose of maintaining water pressures at safe and healthful levels during times of highest domestic use. The restrictions, identical to those approved by the PSC in Order No. 5559a in 1991, limit outside watering to:

no watering on Sunday;

every other day, depending on the customer's address, midnight to 4:00 am by set or moving sprinkler;

every other day, depending on the customer's address, 9:00 am till 12:00 noon, hand-held sprinklers only.

The complainants objected to the hand-held restriction as unjust and unreasonable. Complainants requested that set and moving sprinklers be allowed from 6:00 am to 10:00 am and from 8:00 pm till midnight.

Customers of La Casa are not metered. The tariffed rate is a flat \$16.15 per month.

The La Casa water system has virtually no storage. Instantaneous demand is met by pumping from one to four wells.

During times of peak demand, the La Casa water system has historically been plagued by problems of low pressure and air and sand in the lines. Because inadequate water pressures present a serious potential for health problems, La Casa is under court order (Cause No. CDV-90-444) to perform a complete engineering assessment no later than August 1, 1992.

At the May 27th hearing one witness provided a beaker of water she said had been drawn that day. The presence of sand in the bottom of the beaker demonstrated that the system had been pumping at near capacity.

La Casa's exhibit D-3 listed electricity bills (for pumping)

which showed that usage has increased this year over last:

	1991	1992
April	8,018 kwh	9,746 kwh
May	10,367 kwh	14, 925 kwh

The Helena area is suffering serious drought conditions. Rainfall for the year is about 2 inches below normal.

CONCLUSIONS OF LAW

La Casa is a public utility under the provision of Section 69-3-101, MCA.

La Casa, as a public utility, is under the jurisdiction of the PSC pursuant to Section 69-3-102, MCA, and other provisions in Title 69, MCA. This section and Title 69, MCA, provide for full power of supervision, regulation, and control by the PSC.

La Casa, as a public utility, is required to furnish reasonably adequate service and facilities at reasonable and just rates pursuant to section 69-3-201, MCA, and other provisions in Title 69, MCA.

La Casa's tariffed operating rules contemplate, in a general sense, lawn irrigation restrictions when necessary. The Administrative Rules of the PSC (ARM 38.5.2503(7)) allow for lawn irrigation restrictions.

ORDER

This order shall be effective ten days after the service date identified at the head of page one, unless the parties agree to an earlier date, unless exceptions are filed, or unless an extension is granted for cause.

Because of the limitations of the system, the drought conditions, the increased usage this year over last, and the court order, the Commission finds that it would be unwise to remove the hand-held only restriction during morning hours. However, the Commission also finds that the restrictions can be eased somewhat without endangering the health of consumers while, at the same time, eliminating some of the inconvenience resulting from La Casa's proposed restrictions.

The restrictions: "WATER RESTRICTIONS - 1992 SEASON Dated

April 1, 1992" shall remain in effect, with the following exceptions.

Set or moving sprinklers shall be allowed from 10:00 pm till 5:00 am. Hand-held sprinklers only shall be allowed from 9:00 am till 1:00 pm.

In the event that the parties are able to agree on an alternative set of restrictions (for example, watering every third day, but with no hand-held limitation), the Commission will entertain such a proposal.

Done and dated this 15th day of June, 1992, by a vote of 4 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

Bob Anderson, Commissioner

Ted Macy, Commissioner

Wallace W. "Wally" Mercer, Vice Chairman

Danny Oberg, Chairman