

Decision 12-04-033 April 19, 2012

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Glen and Rebecca Robinson,

Complainants,

vs.

Golden State Water Company (U133W),

Defendant.

(ECP)

Case 11-10-025

(Filed October 19, 2011)

Glen Robinson for Complainants.

Keith Switzer, Patrick R. Scanlon, Kenneth J. Peterson,

Terry N. Maughmer, and William A. Woodard  
for Golden State Water Company, Defendant.

**DECISION GRANTING RELIEF, IN PART**

Complainants, Glenn and Rebecca Robinson, seek not to be charged for the private fire service which operates and maintains a private fire hydrant located adjacent to their home. Complaints also seek not to be charged for the repair and maintenance of a “back flow” device which is part of the water line for the private fire hydrant. Defendant, Golden State Water Company (GSWC), maintains that the charges for the private fire service and repair of the back-flow device are correct and appropriate, stating that the fire hydrant and water line were a mandatory condition for the lot split that created the Complainants’ property. We hold, partially, in favor of the Complainants and find that they

should be responsible for, no greater than, 25% of the monthly cost for the private fire service and total cost for the repair to the back flow device.

The Complainants reside at 1432 Solomon Road in Santa Maria, CA. They live on a large lot that is adjacent to three other lots each with a residence. The Complainants' lot was created in 2006. The original owner and developer, who resided at 1430 Solomon Road, split his lot into two parcels (1430 & 1432). According to the Defendant a mandatory condition of the lot split was that a fire hydrant and back flow device be installed. In 2006 the fire hydrant, water line, and backflow device were installed on a "private access" easement, at 1420 Solomon Road, a property adjacent to the Complainants' residence. Complainants did not purchase their property until 2008. Witnesses for the Defendant explained that under the terms of the easement neither GSWC, nor the Complainants, have a right to access the water line that runs through the property at 1420 Solomon Road without the owner's permission.

Complainants testified that in 2008 they signed up for water service from GSWC but assert that they did not agree to private fire protection service believing that their home was within the Santa Barbara County fire protection district. Defendant admits that from 2008-2011 the owner of 1420 Solomon Road, not the Complainants, was billed and paid for the private fire protection service. There are two "public hydrants" located in front of 1432 and 1420 Solomon Road. Testimony was presented at the hearing that a portion of the cost for these "public hydrants" is included in the water bill of the Complainants.

Testimony at the hearing indicates that in approximately May 2011 a required test was conducted on the back-flow device on the water line serving the private hydrant. A GSWC witness testified that the purpose of the back-flow device is to prevent water, in the line connected to the private hydrant, from

flowing back into the main residential water lines. The back-flow device, which was installed in 2006, was found to be in need of repair. The repair costs were originally billed to the owner of 1420 Solomon Road. After he questioned the costs and his responsibility for the repairs, GSWC states that it discovered that cost of the fire protection service and maintenance of the water line was the responsibility of the Complainants. A GSWC witness, at the hearing, stated that the cost of the repair to the back-flow device was approximately \$4,000.00. There was no testimony presented that the private fire hydrant and water line have ever been used, aside from testing.

Defendant has stated that under the terms of the easement it does not have access to or control of the water line serving the private fire hydrant. Testimony at the hearing indicated that, under the terms of the easement, the Complainants do not have access to the water line but that they are responsible for its cost and maintenance. Testimony indicated that the Defendant was involved in the process which culminated in the drafting of the easement and installed the water line and private fire hydrant.

In its answer to the complaint and in its testimony, GSWC admits that as a practical matter the private fire hydrant could be used to protect the Complainants' home and/or the three adjacent homes in the event of a fire. A GSWC witness testified that the Complainants could not prevent the fire department from using the private hydrant to fight a fire at an adjacent home. Complainants testified that the monthly fire protection fee for the private hydrant is between \$30 and \$40. Testimony presented at the hearing made clear that the adjacent home-owners do not pay any portion of the cost or maintenance for the private hydrant and water line. Complainants pay a portion of the fees for the public hydrants located in front of their neighbors' homes.

## **Discussion**

We will order GSWC to charge the Complainants no more than 25% of the monthly fire protection service fee. It is clear from the testimony and documents filed in this proceeding that the private hydrant benefits three other homes in addition to that of the Complainants. It is also clear that Complainants are paying a portion of the costs for the public hydrants adjacent to their neighbors' homes while the converse is not true. Pursuant to the same logic, we find that the Complainants should be charged no more than 25% of the cost of repairing the back-flow device on the water line serving the private hydrant. The back-flow device needed repair within five years of installation though the water line has only been used for testing. The Complainants do not have access to the water line and cannot initiate repairs on their own. Finally, the private fire hydrant benefits a total of four adjacent homes, including that of the Complainants.

## **O R D E R**

**IT IS ORDERED** that:

1. Golden State Water Company shall charge Glenn and Rebecca Robinson no greater than 25% of the prevailing monthly tariff of fire protection service for the private hydrant.
2. Golden State Water Company shall charge Glenn and Rebecca Robinson no greater than 25% of the total cost to repair the back-flow device on the water line for the private fire hydrant.

3. Glenn and Rebecca Robinson shall have up to twelve months to pay their portion of the costs to repair the back-flow device.

4. Case 11-10-025 is closed.

This order is effective today.

Dated April 19, 2012, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners