

ALJ/ec

Decision 83 03 030 MAR 16 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
EDWARD WARREN ELLWANGER for excep- )  
tion from the ban on water service )  
connections in the Rio Dell Water )  
District of the Russian River Water )  
Company, Inc. )

Application 82-07-46  
(Filed July 21, 1982)

Edward W. Ellwanger, for himself, applicant.  
Ernst G. Knolle, for the Commission staff.

O P I N I O N

This is an application by Edward Warren Ellwanger which seeks an exemption from the Commission's moratorium on new connections imposed on the Russian River Water Co., Inc. (Company) in Decision (D.) 81621 entered on July 24, 1973.

A duly noticed public hearing was held in this matter before Administrative Law Judge Donald B. Jarvis in San Francisco on January 11, 1983 and it was submitted on that date.

The Commission staff appeared at the hearing and indicated that it supported granting the application under the particular facts of this case.

The Commission makes the following findings and conclusion.

Findings of Fact

1. Company was served with a copy of the application. It filed no responsive pleading and did not appear in this matter.
2. Ellwanger and his wife are both retired, senior citizens, who have a limited income. They presently live in a rented, mobilehome space in Calistoga, California.

3. Since 1959, the Ellwangers have owned and paid taxes on a 75' x 100' lot located at 9354 Champ De Elysses Road, Forestville, California. The lot is within the service area of Company and subject to the moratorium on new connections imposed in D.81621.

4. Ellwanger wants to build a house on the lot, with his own labor. The Ellwangers intend to live out their remaining years in the house. Because of Ellwanger's age, if he does not build the house in the near future he will be physically unable to do it. It will take at least one year for Ellwanger to complete the house.

5. Ellwanger cannot get a building permit to construct the house unless there is available water. Because of the size of the lot, the Sonoma County Health Department will not permit Ellwanger to dig a well and put a septic tank on the lot. The only way Ellwanger can obtain water is by having a connection with Company.

6. Ellwanger cannot sell the lot and buy another one because the lot only has nominal value in the light of the service connection moratorium.

7. On November 19, 1982 the Department of Water Resources granted Company a Safe Drinking Water Bond Act loan of \$513,785.

8. The proceeds of the loan will be used for capital improvements of Company's water system. This will ultimately result in the lifting of the ban on new service connections.

9. Under the particular facts of this case, it would be reasonable to grant an exception to the moratorium on service connections.

10. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

11. Since this matter involves construction with self-labor, which may only be done at certain times of the year, this order should be effective when it is signed.

Conclusion of Law

The application should be granted.

O R D E R

IT IS ORDERED that the 75' x 100' lot owned by Edward Warren Ellwanger and wife, located at 9354 Champ De Elysses Road, Forestville, California, is exempted from the moratorium on connections provisions of D.81621, entered on July 24, 1973. The Russian River Water Co., Inc. is authorized to provide water service to the lot in accordance with its tariff.

This order is effective today.

Dated MAR 16 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
PRISCILLA C. CREW  
DONALD VIAL  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Joseph E. Bodovitz, Executive Director