

Decision No. 86626

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of KENNETH W. KIKER and JUDY A. KIKER for an exemption from the provisions of Decision No. 86193 allowing Citizens Utilities Company of California to serve their property in Montara.

Application No. 56807  
(Filed October 13, 1976)

ORDER OF MODIFICATION

By Decision No. 86193 dated August 3, 1976 the Commission imposed the following restriction upon Citizens Utilities Company of California, Montara District:

- "3. Respondent shall make no new connections until such time as it can demonstrate a sufficient water supply to provide for additional customers without adversely affecting service to existing customers. Respondent shall exempt therefrom all applicants for service having a building permit issued prior to August 3, 1976."

On October 13, 1976 Kenneth W. Kiker and Judy A. Kiker filed a petition for modification and alleged that on or about July 22, 1976, they purchased a lot within the service area of Citizens Utilities Company of California, Montara District, that on July 26, 1976 they entered into an agreement for the construction of a home on the property; that on July 30, 1976 they obtained a septic tank variance from the Montara Sanitary District; that on September 1, 1976 they were informed that a water connection could not be made because of the restriction imposed by Decision No. 86193; that they thereupon contacted several well-drillers for the purpose of installing a well; that on September 27, 1976 they were informed that setback requirements could not be met for both the well and the septic tank; that petitioners' combined annual income is approximately \$13,000 and to date they have invested \$2,115 in the property; that the

property was purchased in the belief that all necessary facilities would be available; and that the restriction imposed by Decision No. 86193 will result in a severe hardship.

After consideration the Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. As an exception to Ordering Paragraph 3 of Decision No. 86193, Citizens Utilities Company of California, Montara District, shall, upon application, provide water service to Kenneth W. Kiker and Judy A. Kiker, petitioners herein.

2. In all other respects the provisions of Decision No. 86193 shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 9th day of NOVEMBER, 1976.

*I dissent as to the effective date being the date hereof.  
William Symons, Jr.*

*[Signature]*  
\_\_\_\_\_  
President

*[Signature]*  
\_\_\_\_\_  
Commissioners

*[Signature]*  
\_\_\_\_\_  
Commissioners

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.