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Decision No. 87365 May 24, 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Edith Jacobsen for
modification and emergency relief
of Decision No. 86193 (dated
August 3, 1976).

Application No. 57216
(Filed April 11, 1976)

ORDER DENYING MODIFICATION

By Decision No. 86193 dated August 3, 1976 in Application No. 55538 and Case No. 10093 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 April 11, 1977 Edith Jacobsen filed the instant application requesting modification of the above order alleging that she is a licensed architect, having designed and developed, made construction drawings, and consulted with structural and mechanical engineers on an energy efficient house that utilizes a totally integrated active solar system; that the house, which is within the service area of Citizens Utilities Company of California - Montara District, is to be a one-bedroom, one-bath residence for two people and is to eventually become the retirement home of herself and her husband upon his retirement in the near future; that delay in construction of the house could escalate the cost of construction by as much as \$500 per month because of

ever increasing building costs; that on March 10, 1975 she obtained permission from the Airport Land Use Commission of San Mateo County to build a residence on her lot; that on October 8, 1976 she made application to the Montara Sanitary District for a sewer permit at such time that such permits were again issued; that on December 7, 1976 she filed an application for a permit from the Coastal Zone Commission; that the lot is adjacent to her present home, and it is the intention of her husband and herself to own both residences for a few years; and that further delay in her building project after having expended such considerable time, energy, and expense would constitute both a financial as well as emotional hardship, possibly to the extreme of having to abandon the project.

Although the Commission has granted similar relief from the restriction imposed by Decision No. 86193, in each instance the applicant indicated that application for water service or sewer connection had been made prior to the Commission's order banning new connections.

The Commission found in establishing the restriction on new services that the water supply sources were deficient. To make an exception in this instance, particularly where timely filings for water and sewer services had not been made, would defeat the very purpose of the restriction. It would open the door to many other individuals who are similarly situated and thereby place undue demands upon limited facilities during a period of drought.

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The application will be denied.

IT IS ORDERED that Application No. 57216 is hereby denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 24th day of MAY, 1977.

President
William J. ...

Vernon L. ...

Robert R. ...

Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.