

ORIGINAL

Decision No. 88056 NOV 1 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Neil R. Kirk and Susan B. Kirk for exemption from the provisions of Decision No. 86193 and for emergency water service from Citizens Utilities Company of California.

Application No. 57540
(Filed August 29, 1977)

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 for California (Citizens), 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."

Neil R. Kirk and Susan B. Kirk filed this application requesting an order which would permit them, as an exception to the above ordering paragraph, to receive service from Citizens Montara District. The application alleges that on July 23, 1975 they purchased property within the service area of the Montara District with intention to build a primary residence thereon and with the understanding that water and sewer service would be available; that on April 21, 1976 they applied to Montara Sanitary District for a sewer permit, but the sewer permit was not granted until May 24, 1977 because of restrictions imposed on the Montara Sanitary District by

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the California Regional Water Quality Control Board; that they had building plans drawn up by August 1, 1976; that, when they subsequently undertook to file the plans with the San Mateo Building Inspection Department, they were informed the plans could not be accepted because of the above restrictions; and that denial of water service would work an undue hardship on themselves and their family.

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 applicants had not filed for water service and had neither sewer permit nor building permit prior to August 3, 1976, 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.

The application will be denied.

IT IS ORDERED that Application No. 57540 is hereby denied.

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

Dated at San Francisco, California, this 1st
day of NOVEMBER, 1977.

Robert Batimand
President
William G. Jones, Jr.
Verizon L. Stulgen
Richard D. Howell
W. Lane J. Daniels
Commissioners