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ORIGINAL

Decision No. 88059 NOV 1 1977

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 Moss Beach.

Application No. 57560 (Filed September 12, 1977)

O P I N I O N

In this application Kenneth W. and Judy A. Kiker seek authorization to transfer an exception to Ordering Paragraph 3 of Decision No. 86193 granted by the Commission in Decision No. 86626 which permits Citizens Utilities Company of California, Montara District, to provide water service to a proposed dwelling on Assessor's Parcel Numbers 036-171-090 and 036-171-100, Drake Street, Montara, to Assessor's Parcel Numbers 037-224-030/040, Orval Street, Moss Beach.

Applicants allege that subsequent to receipt of authorization by the Commission in Decision No. 86626 dated November 9, 1976 for applicants to receive water service at the Montara property, the State Legislature passed the Coastal Conservation Act in December 1976 which extended the Coastal Commission's jurisdiction to such property; that on March 29, 1977 applicants filed an application with the California Coastal Zone Commission, Central Region, Santa Cruz; that on July 11, 1977 the application was denied by the Regional Commission; that applicants appealed the Regional Commission's denial to the State Commission and that on August 16, 1977, such Commission upheld the permit denial; and that on September 11, 1977 applicants entered into an agreement to purchase Assessor's Parcel Numbers 037-224-030/040, Orval Street,

Moss Beach, after being told by the Coastal Commission staff that those parcels would probably be acceptable as a building site.

Applicants further state in their application that architectural plans, financing arrangements, and contractor commitments have been made with the understanding that the applicants would be able to build a home. Applicants further allege that they have used nearly all of their savings in pursuit of various permits and legal fees and that it would be an extreme hardship to relinquish any possibility of salvaging the time and money invested in trying to build this home.

The staff has reviewed the application and offers no objection to granting applicants' request as applicants already possess a variance from the ban on new connections and therefore would not burden the system further by reason of this application.

After consideration the Commission finds that the requested transfer of the exception from Decision No. 86193 would not be adverse to the public interest and concludes that the application should be granted. The effective date of the order should be the date hereof. A public hearing is not necessary.

O R D E R

IT IS ORDERED that the exception granted by Decision No. 86626 to Ordering Paragraph 3 of Decision No. 86193, Citizens

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Utilities Company of California, Montara District, which authorizes water service to Kenneth W. Kiker and Judy A. Kiker at Assessor's Parcel Numbers 036-171-090/100, Drake Street, Montara, may be transferred to Assessor's Parcel Numbers 037-224-030/040, Orval Street, Moss Beach. Authority to provide water service to Assessor's Parcel Numbers 036-171-090/100, Drake Street, Montara, is revoked.

The effective date of this order is the date hereof.

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

Robert Batminal  
President  
William J. Lyons  
Thomas L. Stegeman  
Richard D. Powell  
Wain T. DeWick  
Commissioners