

Decision No. 88463 FEB 7 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Timothy J. Christen for modification and emergency relief of Decision No. 86193 (dated August 3, 1976).

Application No. 57680
(Filed November 9, 1977)

O P I N I O N

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 November 9, 1977, Timothy J. Christen filed the instant application requesting modification of the above order alleging that he has been engaged in the construction business in the Moss Beach, Montara area, for seven years; that from April 5, 1976 to June 21, 1977 he purchased four building sites; that he has spent money for plans and permits; and that the restriction would result in a hardship for himself and his family.

Applicant neither applied for water service nor possessed a building permit prior to August 3, 1976. No good cause has been shown to justify an exception from Decision No. 86193. The Commission concludes that the application should be denied.

A comment is necessary to explain why we are denying relief in this application but granting relief in Application No. 57582 (William and Barbara Parsons). Prior to August 3, 1976 the Parsons had applied for both water and sewer connections, but water service had not been connected due to delay in issuing a sewer permit. In contrast, Mr. Christen had not applied for either water or sewer service prior to August 3. The Commission has recently granted a variance in a situation comparable to the Parsons'. (Decision No. 87516 dated June 28, 1977 in Application No. 57220.)

The Commission expects to conduct further hearings in Case No. 10093 in March 1978 at which time we will determine whether the prohibitions on new water connections should be rescinded or modified.

O R D E R

IT IS ORDERED that Application No. 57680 is hereby denied.

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

Dated at San Francisco, California, this 7th day of FEBRUARY, 1978.

I dissent
William Sprouer Jr.

Robert Bateman
President

Leonard L. Stoggen
Charles P. ...
Clair D. ...
Commissioners