

Decision No. 88464 FEB. 7, 1978 ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
Application of William R. and Barbara E. Parsons for relief from the restrictions of Decision No. 86193 which placed a moratorium on new water service connections in Moss Beach, California. Application No. 57582 (Filed September 20, 1977)

ORDER OF 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 (Citizens), Montara District:

- "3. Respondent shall make no new connections until such time as it can demonstrate 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.

William R. and Barbara E. Parsons 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 June 4, 1976 applicants sent a letter to Citizens requesting water service to a home they were proposing to build on Lots 26, 27, and 28 in Block 46, Moss Beach Heights, Moss Beach, California. On May 10, 1976 an application for a sewer permit was filed with the Montara Sanitary District. A sewer connection permit, however, was not granted until May 19, 1977 to expire on May 19, 1978. Applicants state that since both water and sewer service requests were made prior to the August 3, 1976 date they should be granted relief from the restrictions of Decision No. 86193 and be authorized to receive water service.

At the time of filing the application with the Sanitary District, the District was under restrictions of the California Regional Water Quality Control Board which prevented the District from issuing new sewer permits. The District told applicants that the restrictions were expected to be lifted within a short period of time.

The Hydraulic Branch of the Utilities Division recommends that this application be denied since applicants did not possess a building permit prior to the effective date of the ban. The Legal Division takes the position that since applicants did request water and sewer service prior to the ban, but since sewer permits were not available in Montara until April-May 1977, applicant could not secure a building permit. Legal Division recommends that applicants' request be granted as there is precedent for granting such a variance even though no building permit has been secured.

The Commission found in establishing the restriction on new services that the water supply sources were deficient. Although applicants did not have a building permit prior to August 3, 1976, applicants did file for both water and sewer service prior to such date. Citizens, on June 15, 1976, did provide the San Mateo County Building Department a letter indicating its willingness to provide water services at the proposed building site to enable applicants to obtain a building permit.

Under the above conditions we find that it is reasonable for Citizens to provide water service to William R. and Barbara E. Parsons for a home to be built on Lots 26, 27, and 28 in Block 46, Moss Beach. After consideration, the Commission concludes that the application should be granted.

1/ Application No. 57220 Decision No. 87516 re Rick Garzini

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 William R. and Barbara E. Parsons to a residence built on Lots 26, 27, and 28 in Block 46, Moss Beach Heights, Moss Beach, California.

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

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*  
*Claire J. Daniels*

*Rabot Botwinich*  
President  
*William Agnew Jr*  
*James L. Sturgeon*  
*Richard D. Gualth*

Commissioners