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Decision No. 89984 FEB 14 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Armin Rosencrans  
and Roberta Engelmann for  
variance from Resolution W-2212  
(dated July 26, 1977).

Application No. 58272  
(Filed August 3, 1978)

O P I N I O N

This Commission, by Resolution No. W-2212, effective July 26, 1977, found that a water shortage emergency condition existed in the service area of the Inverness Water Company (Inverness) and that a moratorium on new water service was justified and in the public interest. The Commission then authorized Inverness to place into effect a moratorium on new connections for water service for applicants holding building permits which were issued after July 26, 1977, as requested by the utility's Advice Letter No. 22, filed July 21, 1977.

Rosencrans and Engelmann (Applicants) request a variance from Resolution No. W-2212 to permit them to receive water service to their property, described as Marin County Assessor's Parcel 112-331-37, consisting of 4 acres in Inverness, California, which was purchased on February 10, 1977, from Peter and Sally Behr.

Applicants allege that the Behrs provided documents showing that they (the Behrs) had paid \$5,200 to Inverness to furnish water to the 4-acre parcel and an adjacent 1-acre parcel, and that they purchased the property only on the basis that water would be available and the property would be buildable. They allege that the \$5,200 was paid to Inverness by the Behrs in February 1976.

On July 22, 1977, Applicants queried Inverness as to why water facilities had not been installed, and in reply were referred to the moratorium, which became effective July 26, 1977. The utility advises that the necessary main extension was installed but the service connection had not been installed because the plans for development of the property were still pending.

Applicants suggest that the moratorium should not be held to apply to a water connection which had been paid for more than a year previous to the effective date of the moratorium, but that in any case circumstances justify a variance from the moratorium.

Weather conditions have changed since the summer of 1977, and the water supply at Inverness no longer appears critical. This Commission, therefore, in Resolution No. W-2461, effective January 4, 1979, stated "The water shortage emergency has ended, but there is still a question as to the number of additional customers that could safely be served during periods of less than normal rainfall." The Commission then authorized the addition of 15 new service connections.

It appears that the connection for the Applicants in this matter could be included in, or added to, the 15 authorized in Resolution No. W-2461. It further appears that by their letter dated July 27, 1977, inquiring of the utility why the service had not been provided, Applicants considered that they had requested a water service connection prior to the onset of the moratorium.

We find, therefore, that Applicants are entitled to a water service connection as previously agreed between the former owners (Peter and Sally Behr) and Inverness, and that there should be no further delay in installing the connection.

ORDER

IT IS ORDERED that Inverness Water Company shall, upon application, and in accordance with its filed rules and regulations, provide a water service connection to the property formerly owned by Peter and Sally Behr, and sold by them to Armin Rosencrans and Roberta Engelmann, Applicants herein.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of FEBRUARY, 1979.

Commissioner JOHN E. BRYSON  
being necessarily absent, did not  
Present but not participating.

Commissioner Leonard M. Grimes, Jr.,  
being necessarily absent, did not  
participate.

[Signature] <sup>th.</sup>  
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[Signature] President  
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Commissioners