

ORIGINAL

Decision No. 91334 FEB 13 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Howard and Louise Talley to have an exception made in the moratorium in Lucerne to have city water connected at 6841 Virginia Avenue.

Application No. 59283
(Filed November 16, 1979)

Howard R. Talley and D. Louise Talley, for themselves, applicants.

O P I N I O N

Applicants Howard R. and D. Louise Talley (the Talleys) request a deviation from the moratorium of Lucerne Water Company, Lucerne, so that their house at 6841 Virginia Avenue, Lucerne, can be served with water. A hearing was held on the matter on January 28, 1980 before Administrative Law Judge Pilling at San Francisco. No one but the Talleys appeared at the hearing though they testified that all persons having a higher priority on the waiting list for water and the water company had been served with copies of their application. Notice of hearing had also been sent by mail to all such persons and the water company.

The water company, by Advice Letter No. 33, approved February 23, 1977, requested an earlier approved complete moratorium on new service connections be amended by allowing for 24 new services a year. Thereafter, the water company established a priority list of applicants based on the order in which the applications were received. The Talleys bought property in the water company's service area in December of 1978 and applied for water service,

at which time they became 120th on the list to receive water. In February 1979 the Talleys were 60th on the list to receive water, which gave them hope that their name would reach the top of the list before the house they had started to construct was completed. By April of 1979 they had come up to 47th on the priority list, but from there on they dropped further down on the list as those before them on the list who had refused service earlier came back on the list. At this point the Talleys had a well drilled on their property in anticipation of satisfying the Federal Housing Administration requirement for a loan that drinkable water be available to the property. But when the well was completed, the water proved to be undrinkable as it contained 94 ppm of iron, had a very high total dissolved solids content and a low pH. Installation of the well cost \$1,200. The company which last tested the well water was willing to install equipment for \$4,000 in an attempt to solve the water problem, but the company would not guarantee that the new equipment would solve the problem. The Talleys are unable to secure a Federal Housing Administration loan until their property is served with drinkable water. They have run out of money because of the unexpected expenses and time they have experienced in securing water for their property, and unless they get a Federal Housing Administration loan soon, they will lose their house. The Talleys are presently 50th on the priority list to receive water.

Under letter of October 30, 1979 to the Commission, the water company requested permission to give water service to the Talleys because of the hardship they were suffering. None of the applicants on the priority list who have a higher priority than the Talleys have submitted a protest to the Talleys' request for deviation.

The Commission finds that: (1) special circumstances warrant the granting of the deviation requested by the Talleys; (2) the water company should be given permission to serve water to the Talleys' property as soon as practicable notwithstanding the Talleys' relative position on the water company's priority list to applicants to receive water service; and (3) no objections to the Talleys' request for deviation have been submitted. We conclude that the relief requested should be granted and that because of the dire necessity in which the Talleys find themselves, the order below should be effective on the date of signature.

O R D E R

IT IS ORDERED that:

1. Application No. 59283 is granted. ✓
2. Lucerne Water Company is authorized to provide permanent water service to the residence of Howard R. and D. Louise Talley at 6841 Virginia Avenue (Drive), Lucerne, as soon as practicable regardless of the relative position of the application of Howard R. and D. Louise Talley on the water company's priority list of applicants to receive water service.

The effective date of this order is the date hereof.

Dated FEB 13 1980, at San Francisco, California.

John E. Dupon
President
Reginald L. Stanger
Robert D. Howell
Clarence J. Deland

Commissioners

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