

ORIGINAL

Decision No. 92352 OCT 22 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Paul I. Laub for a)
variance from Decision No. 89195)
and for an order authorizing water)
service from California-American)
Water Company.)

Application No. 59490
(Filed March 3, 1980)

Paul I. Laub, for himself, applicant.

O P I N I O N

On March 3, 1980, Paul I. Laub (Laub) filed this applica-
tion requesting a variance from Ordering Paragraph 6 of Decision
No. 89195 issued August 8, 1978, in Case No. 9530 and directing
California-American Water Company (Cal-Am) to provide a water
service connection to Laub's property located on Calle de Este/
Upper Circle, Carmel Valley and identified as AP 189-491-08 or
36B Upper Circle.

Notices of hearing were sent to respondent Cal-Am and to
all appearances in Case No. 9530 and to the general manager of the
Monterey Peninsula Water Management District.

Public hearing was held before Administrative Law Judge
Cline in San Francisco on September 4, 1980. No protests to the
granting of the application have been filed with the Commission
and no one appeared at the hearing to protest the granting of
the application.

Ordering Paragraph 6 of Decision No. 89195 issued
August 8, 1978 in Case No. 9530 reads as follows:

"6. Cal-Am shall not extend water service beyond
the boundaries of its present service area
in the Monterey Peninsula District without
prior Commission approval."

Laub testified that Cal-Am has refused water service to the property in question because it is outside Cal-Am's service area. The property consists of 1.01 acres and is a single-family dwelling building site. Laub resides at 36 Upper Circle and is presently receiving water service from Cal-Am. The lot known as 36B Upper Circle is a portion of the original lot on which the residence known as 36 Upper Circle is located.

Houses on all four sides of 36B Upper Circle, which are also outside the service area of Cal-Am are now receiving water service from Cal-Am. 36B Upper Circle is in effect a dry island within Cal-Am's de facto service area.

Findings of Fact

1. Laub is seeking to obtain water service to his property located on Calle de Este/Upper Circle, Carmel Valley and identified as AP 189-491-08 or 36B Upper Circle, which is surrounded on four sides by houses which are located outside the service area of Cal-Am and which are now receiving water service from Cal-Am.

2. The property known as 36B Upper Circle is a dry island within Cal-Am's de facto service area.

3. Although a notice of hearing of Application No. 59490 was sent to all appearances in Case No. 9530, neither Cal-Am nor any of its customers appeared to protest the granting of the application.

Conclusion of Law

As an exception to the provisions of Ordering Paragraph 6 of Decision No. 89195 issued August 8, 1978 in Case No. 9530, Cal-Am should be authorized and directed to provide water service to the property of Laub located on Calle de Este/Upper Circle, Carmel Valley, which is identified as AP 189-491-08 or 36B Upper Circle and which is shown on the County of Monterey Assessor's Map, Book 189, Page 49, as Parcel B of Lot 1 of Sub O.

O R D E R

IT IS ORDERED that:

1. As an exception to Ordering Paragraph 6 of Decision No. 89195 issued August 8, 1978 in Case No. 9530, California-American Water Company is authorized and directed to provide water service to the property of Paul I. Laub located on Calle de Este/Upper Circle, Carmel Valley, which is identified as AP 189-491-08 or 36B Upper Circle and which is shown on the County of Monterey Assessor's Map, Book 189, Page 49, as Parcel B of Lot 1 of Sub O.


2. Within thirty days after providing the service authorized herein, California-American Water Company shall file a revised service area map indicating the new service area boundary, including Paul I. Laub's property and properties presently being served on all four sides of Paul I. Laub's property.

3. The Executive Director is directed to serve copies of this order upon Paul I. Laub, California-American Water Company, and all appearances in Case No. 9530.

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

Dated OCT 22 1980, at San Francisco, California.

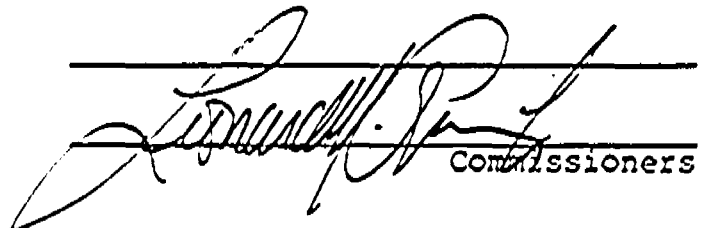
Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.



President



Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.



Commissioners