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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

CASE NO. C-1203016

Odd Fellows Sierra Homeowners'
Association, a California non-profit Mutual
Benefit Association,

Complainant,

vs.

Odd Fellows Sierra Recreation
Association, a California Corporation,

Defendant.

**ODD FELLOWS SIERRA RECREATION ASSOCIATION'S
MOTION FOR STAY**

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June 14, 2012

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I. INTRODUCTION

Pursuant to Rule 11.1 of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure, Odd Fellows Sierra Recreation Association ("Recreation Association") files this Motion for Stay¹ ("Motion") and respectfully requests the relief contained herein.

II. PROCEDURAL BACKGROUND

In 1986, the Recreation Association and the Odd Fellows Sierra Homeowners, Association ("Homeowners' Association") entered into an agreement (the "Water Use Agreement") whereby the Recreation Association would provide water service to the Homeowners' Association. Water for this service was extracted via wells on the Recreation Association's real property. Such water was then transported via Recreation Association-owned

¹ This Motion for Stay is filed concurrently with Recreation Association's Answer to Odd Fellows Sierra Homeowners Association's Complaint, Case No. 1203016.

pipelines to the lot owners within the subdivisions in Tuolumne County, California known as I.O.O.F. Odd Fellows Sierra Camp Subdivision No. 1 and I.O.O.F. Odd Fellows Sierra Camp Subdivision No. 2 (collectively, the “Park”). The Homeowners’ Association was the only entity that purchased water from the Recreation Association. Between 1986 and May 31, 2011, Homeowners’ Association paid for this service via a lump sum annual fee (along with other services provided by Recreation Association to Homeowners’ Association).

The Water Use Agreement was to expire by its own terms on October 11, 2011. However, the Water Use Agreement was extended to January 10, 2012. However, as a result of the deterioration of the relationship between the two parties, the Recreation Association allowed the Water Use Agreement to expire on January 10, 2012.

The Recreation Association has initiated the process to establish a Community Services District to provide to the lot owners of the Park some or all of the services currently provided by the Recreation Association, including water service, to the Homeowners’ Association. That proceeding is now before the Tuolumne County Local Agency Formation Committee (“LAFCO”).

In March 2012, Homeowners’ Association filed a Complaint with the Commission, alleging that Recreation Association should be regulated by the Commission.

III. REQUESTED RELIEF

Recreation Association respectfully requests that the Commission stay these proceedings until the Tuolumne County LAFCO proceedings are completed. Given that the Water Use Agreement governing Recreation Association’s only water service relationship has recently expired, and given that Recreation Association is in the process of transferring its water service operations to an as-yet-to-be-formed Community Services District, the future water service arrangements in the Park are still uncertain.

Recreation Association believes that there is good cause to grant this Motion. A stay will ensure that, if and when this proceeding does move forward, the Commission may adequately assess whether the entity providing services (either the newly formed Community Services District or Recreation Association) is an entity under the jurisdiction of the Commission. The water service arrangements in the Park are currently evolving, and a determination by the Commission at this point in the proceedings might quickly become moot if the water service arrangements and entities providing service is resolved.

For all these reasons, Recreation Association respectfully requests that the Commission grant the relief requested in this motion.

Respectfully submitted,

DAMBACHER, TRUJILLO & WRIGHT

By:

A handwritten signature in black ink, appearing to read 'TIMOTHY T. TRUJILLO', is written over a horizontal line. The signature is somewhat stylized and loops back to the left.

TIMOTHY T. TRUJILLO
Attorneys for Defendants

PROOF OF SERVICE

I am over the age of 18 and not a party to this action. My address is 32 N. Washington St., Sonora, CA 95370. On **June 15, 2012**, I served the foregoing document, described as:

VERIFIED ANSWER, COMPLIANCE FILING: INDIVIDUAL STATUS REPORT OF THE ODD FELLOWS RECREATION ASSOCIATION, AND ODD FELLOWS SIERRA RECREATION ASSOCIATION'S MOTION FOR STAY – CASE NO. C-1203016

on the parties or attorneys for the parties in this action addressed as follows:

Ann Rankin, Esq. 3911 Harrison St. Oakland, Ca 94611	Attorney for Complainant Telephone: 800-354-4529 Email: arankin@annrankin.com
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Scott Ward, Esq. 995 Morning Star Dr., Ste. C Sonora, Ca 95370	Attorney for Complainant Telephone: 209-536-2750 Email: scott@youngwardlother.com
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(BY U.S. MAIL) I placed a true and correct copy of the above document in a sealed envelope individually addressed to the above person(s) and deposited said envelope with the U.S. Postal Service at Sonora, California, with postage fully prepaid, in the ordinary course of business.

(BY UPS OVERNIGHT DELIVERY) I placed a true and correct copy of the above document in a sealed UPS overnight envelope/package, individually addressed to the above person(s) and caused such envelope/package to be deposited in a box or other facility regularly maintained by UPS and/or picked up by and authorized representative of UPS with fees fully prepaid at Sonora, California, in the ordinary course of business.

(BY EMAIL) To the emails listed above at approximately 2:30 p.m.(time)

(BY PERSONAL SERVICE) I personally hand delivered a true and correct copy of the above document by personally giving same to the above person(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **June 15, 2012**, at Sonora, California.


Timothy T. Trujillo