

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA



**FILED**  
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In the Matter of Application of Odd Fellows Sierra Recreation Association, a California corporation, and Sierra Park Water Company, Inc., a California corporation, for Certificate of Public Convenience and Necessity to Operate a Public Utility Water System near Long Barn, Tuolumne County, California and to Establish Rates for Service and For Sierra Park Water Company, Inc. to Issue Stock.

Application 13-09-023  
(Filed September 20, 2013)

And Related Matter.

Case 12-03-017  
(Filed March 14, 2012)  
(CONSOLIDATED)

**MOTION OF SIERRA PARK WATER COMPANY TO STRIKE REPLY OF THE  
COMPLAINANTS FRED COLEMAN, STEVEN WALLACE, LARRY L. VAUGHN AND  
RUTH DARGITZ TO COMMENTS OF SIERRA PARK WATER COMPANY AND ODD  
FELLOWS SIERRA RECREATION ASSOCIATION ON ALJ SMITH'S REVISED  
PROPOSED DECISION IN A. 13-09-023 AND C. 12-03-017**

Kirk M. Knudsen  
President  
Sierra Park Water Company  
2614 Park Wilshire  
San Jose, CA 95124  
Telephone: (408) 269-8653  
kirk.knudsen@creationtech.com

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Pursuant to Rules 11.1 and 14.3(c) and (d) of the Commission's Rule of Practice and Procedure, Sierra Park Water Company moves to strike the Reply of the Complainants Fred Coleman, Steven Wallace, Larry L. Vaughn and Ruth Dargitz to Comments of Sierra Park Water Company and Odd Fellows Sierra Recreation Association on ALJ Smith's Revised Proposed Decision in A. 13-09-023 and C. 12-03-017 ("Complainants' Reply").

On page 22, the Revised Proposed Decision ("RPD") specifically informed and admonished Complainants about the allowable scope of comments and the form they must take:

In their August 31, 2015 Comments at page 1, Complainants state that they raise concerns "which have been discussed in previous filings with the CPUC." Under the Commission's Rule of Practice and Procedure, Rule 14.3, comments "shall focus on factual, legal or technical errors in the proposed...decision and in citing such errors shall make specific references to the record or applicable law. Comments which fail to do so will be accorded no weight. Comments proposing specific changes to the proposed ...decision shall include supporting findings of fact and conclusions of law."<sup>15</sup>

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<sup>15</sup> We also note that all documents tendered to the Commission (including comments on the proposed decision) must, among other things, be written in type no smaller than 12 points in the text and 11 points in the footnotes. (See Rule 1.5.)

As parties before the Commission, Complainants are charged with knowledge of its procedural rules and required to comply with them. Setting aside that fact, after the admonition quoted above, Complainants could in no way claim ignorance of the Commission's filing requirements. Despite that fact, Complainants have, once again, tendered a filing that fails to comply with such procedural requirements. The font is far smaller than the allowable font under Rule 1.5 - about which the RPD specifically informed Complainants. The result is likely comments longer than the allowable 5 pages, had the document been generated with the permitted font size. (See Rule 14.3(d).) The Reply contains absolutely no citation to the record to support Complainants otherwise unsupported assertions regarding Water Company's comments on the proposed decision. (See Rules 14.3(c) and (d).)

This occurs after Complainants have ignored the Commission's rules previously, as Administrative Law Judge Smith is aware. In an email sent August 30, 2015, ALJ Smith informed Complainant's of length restrictions, which they circumvented by using extremely small font in filing their Comments on the original proposed decision in this matter. (See that filing at this link on the Commission's Docket page:

<http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M155/K876/155876595.PD>

E .)

It is entirely unfair to parties who comply with the Commission's rules to allow other parties to ignore them. It also makes a mockery of the Commission's rules. Complainants' continuing, and given the prior admonitions from ALJ Smith, cognizant flouting of the Commission's rules cannot be countenanced. The Commission should strike Complainants' Reply.

Dated: November 24, 2015

Kirk M. Knudsen

/s/ Kirk M. Knudsen

President

Sierra Park Water Company