

Decision 13-12-049 December 19, 2013

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Fred Coleman, Steven Wallace,
Larry L. Vaughn and Ruth Dargitz,

Complainants,

vs.

Odd Fellows Sierra Recreation Association,

Defendant.

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

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to December 20, 2014.

Background

Public Utilities Code Section 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving this matter was March 13, 2013. The Commission issued Decision (D.) 13-02-028 and extended the 12-month deadline to December 20, 2013. Additional time is required and we extend the deadline for resolving this case to December 20, 2014.

On September 24, 2012, the assigned Administrative Law Judge (ALJ) granted Defendant's motion to stay the proceeding, finding that it was reasonable to provide additional time for Defendant to work toward forming a Community Services District. At the first telephonic prehearing conference held on September 11, 2012, Complainants disagreed with the Community Services District approach, stating their preference that Defendant be required to transfer the water system to the Tuolumne Utilities District. This Commission has no jurisdiction over either the Community Services District or the Tuolumne Utilities District. However, the Defendant is also considering whether to form a mutual water company or to organize as an investor-owned utility. Until the organization of the water system is determined with finality, it is reasonable to require that water, a vital service for public health and safety, continue to be provided to the lot owners of the subdivision in Tuolumne County known as the I.O.O.F. Odd Fellows Sierra Camp Subdivision 1 and 2, and that water bills be paid according to the agreements memorialized in the ALJ Ruling issued on December 5, 2012.

Because there was continuing controversy over payment of water bills and continued provision of water, the assigned Judge properly lifted the stay and scheduled an evidentiary hearing in June of 2013. Complainants were provided the opportunity to prove that Defendants should be organized as a jurisdictional utility, and Defendants had the opportunity to dispute such contentions and explain their efforts to move forward with proper organization of the water system. Subsequent to the hearing Defendants agreed to file an application for a Certificate of Public Convenience and Necessity and in turn the Complaint could be resolved. The Complaint has remained open pending that filing which was recently made and which will shortly have a prehearing conference.

Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, the otherwise applicable period for public review is being waived.

Assignment of Proceeding

Catherine J. K. Sandoval is the assigned Commissioner and Douglas Long is the assigned ALJ in this proceeding.

Findings of Fact

1. The proceeding was initiated on March 14, 2012.
2. D.13-02-028 extended the 12-month deadline to December 20, 2013.
3. Defendant is pursuing reorganization as a jurisdictional utility. The Complaint was stayed pending that filing.

Conclusions of Law

1. The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until December 20, 2014.
2. This matter should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended until December 20, 2014.

This order is effective immediately.

Dated December 19, 2013, at San Francisco, California.

MICHAEL R. PEEVEY
President
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
CARLA J. PETERMAN
Commissioners