



FILED

06-21-12

01:51 PM

ANG/ms6 6/21/2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

Complainant,

vs.

Odd Fellows Sierra Recreation Association,

Defendant.

Case 12-03-016
(Filed March 14, 2012)

(NOT CONSOLIDATED)

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)

**ADMINISTRATIVE LAW JUDGE'S RULING REMOVING PREHEARING
CONFERENCE FROM CALENDAR AND SETTING FORTH VARIOUS
PROCEDURAL REQUIREMENTS**

This ruling confirms the procedural guidance I provided to parties on June 18, 2012. Complainants seek a determination that defendant is a public

utility water company subject to our jurisdiction. Defendant has answered by denying the allegations of public utility status, stating that Complainant has failed to state a cause of action, and moving to stay the proceeding until the County of Tuolumne determines whether a Community Services District will be established, at which time the Community Services District would be responsible for providing water service to the Complainants.

Defendant's representative has requested to attend the June 28, 2012 prehearing conference by telephone. Mr. Fred Coleman has informed me that he will be out of town on June 28 and has various medical appointments scheduled in July and August. Mr. Coleman has requested the opportunity to respond to Defendant's Answer.

I will remove the June 28, 2012 prehearing conference from the calendar, but I require the following actions:

First, Mr. Coleman must consult with his co-Complainants to determine whether they also wish to file and serve a Response to Defendant's Answer. I will allow the Response, but it must be filed and served by June 28, 2012. In addition, Complainants may file and serve a Response to Defendant's Motion to Stay the proceeding. This Response must also be filed and served by June 28, 2012, pursuant to Rule 11.1(e). Complainants and Defendant must comply with the requirements set forth in the Commission's Rules of Practice and Procedure, including proper service. Questions may be addressed to the Commission's Public Advisor. Parties may contact the Public Advisor's Office at: 866-849-8390 or 415-703-2074, or public.advisor@cpuc.ca.gov, or CPUC Public Advisor, 505 Van Ness Avenue, Room 2013, San Francisco, CA 94102.

Second, based on the status report filed by the Defendant, it appears that the Complainant in Case (C.) 12-03-016 may no longer be going forward with the

prosecution. For this reason, I am not consolidating the complaints at this time. The Complainant must verify that it intends to proceed or I intend to recommend that C.12-03-16 be dismissed for lack of prosecution. Such verification must be affirmed by June 28, 2012. In addition, Defendant must verify that all lots are receiving water during the period that the Community Services District is being considered. This verification must be made by June 28, 2012. I will rule on the Motion to Stay and consider whether to recommend dismissal of the proceedings, after reviewing the pleadings.

IT IS SO RULED.

Dated June 21, 2012, at San Francisco, California.

/s/ ANGELA K. MINKIN

Angela K. Minkin

Administrative Law Judge