



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

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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)

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)
(CONSOLIDATED)

**RESPONSE OF SIERRA PARK WATER COMPANY TO PETITION OF
COMPLAINANTS FOR MODIFICATION OF DECISION NO. 16-01-047**

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August 23, 2016

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Pursuant to Rule 16.4(f) of the Commission’s Rules of Practice and Procedure, Sierra Park Water Company (“Water Company”) files this Response to the Petition for Modification of Commission Decision No. 16-01-047 (“Decision”), which was issued on January 29, 2016, filed by Complainants identified in the caption above. Complainants filed their Petition on August 1, 2016. Under Rule 16.4(f), this Response is therefore timely.

Water Company respectfully requests the Commission to deny the Petition because Complainants fail to meet their burden under Rule 16.4(b) to support factual allegations with specific citations to the record in the proceeding or to matters that may be officially noticed. That failure means Complainants have not justified the relief requested in the specific wording changes they propose.

1. Background

The Decision conditionally granted Water Company a certificate of public convenience and necessity. Water Company and Odd Fellows Sierra Recreation Association (“Odd Fellows”) filed petitions to modify Ordering Paragraphs 3.a (Water Company petition) and 3.b (Odd Fellows petition), both of which were granted in recently issued Decision No. 16-08-006.

Complainants seek modification of a sentence in Ordering Paragraph 3.b that was not modified in D.16-08-006. Specifically, Complainants seek to modify the last sentence of Ordering Paragraph 3.b to read as follows:

Additionally, Odd Fellows must refund to the Water Company no later than June 30, 2016, **\$10,000** to reflect the **\$5,000** per year it received from the Water Company for the use of **the water tanks** for Fiscal Years 2013 and 2014, and any monies received from Water Company for **the rental of the water tanks** for Fiscal Year 2015.

(Petition, p. 4.)

2. Complainants Fail to Meet Their Burden Under Rule 16.4(b) and the Petition Must Therefore be Denied.

“A petition for modification asks the Commission to make changes to an issued decision.” (Rule 16.4(a).) “A petition for modification of a Commission decision must concisely state the justification for the requested relief and must propose specific wording to carry out all requested modifications to the decision. Any factual allegations must be supported with specific citations to the record in the proceeding or to matters that may be officially noticed.” (Rule 16.4(b).)

Complainants’ requested relief is modification of the Decision to require refund of payments made for the “rental of water tanks.” (Petition, pp. 3-4.) The factual allegations Complainants rely on to support that modification appear on page 3 of the Petition, citing to page 10 of Attachment A to the Decision. Assuming that is a proper citation to the record (since it cites to a pleading identified in footnote 32 on page 10 of Attachment A, not to evidence), the quoted language says nothing about “use of the water tanks” or “rental of the water tanks” – the words Complainants say should be added to Ordering Paragraph 3.b. Complainants also claim, but with no citation to the record at all, that “Documents from the Odd Fellows indicates that \$5,000 per year was collected in 2013 and 2014 from the Water Company *for the water tank leases.*” (Petition, p. 3, italics added.)

Complainants have therefore failed to support by citations to the record their factual allegations that any amount was paid for use or rental of water tanks. Because of this failure under Rule 16.4(b), the Petition should be denied.

3. Conclusion

For the reasons stated above, Sierra Park Water Company respectfully requests the Commission to deny Petition of Complainants for Modification of Decision No. 16-01-047.

Dated: August 23, 2016

Respectfully submitted,

SIERRA PARK WATER COMPANY

By: _____ /s/ *William Ordwein* _____

William Ordwein

Chief Operating Officer