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

Charles Paul Varvayanis,

Complainant,

vs.

Odd Fellows Sierra Recreation Association,

Defendant

Case 16-10-005  
(Filed October 6, 2016)

**E-MAIL RULING RE EVIDENCE**

Dated January 12, 2017, at San Francisco, California.

/s/ ERIC WILDGRUBE

Eric Wildgrube  
Administrative Law Judge

**From:** Wildgrube, Eric

**Sent:** Thursday, January 12, 2017 2:02 PM

**To:** Timothy Trujillo; charles@varvayanis.com; Mikita, John A.; Rosie Wallis; Kumra, Ravi

**Cc:** ALJ Docket Office; ALJ Process; ALJ\_Support ID

**Subject:** C.16-10-005: Varvayanis vs. Odd Fellows, Email Ruling re Evidence

To the Parties:

The December 22, 2016 Scoping Memo and Ruling scheduled an evidentiary hearing on February 2, 2017 commencing at 10:00 a.m.

Also on December 22, 2016, Complainant Charles Varvayanis filed his *Verified Post-Telephone Conference Brief*, including as attachments documents responsive to a request of Administrative Law Judge (ALJ) Wildgrube for documentary evidence reflecting all amounts paid to the Odd Fellows for services for fiscal year 2012. Complainant's Brief also states, "Additional evidence will be presented at the Evidentiary Hearing."

In the interest of judicial economy and to limit hearing time, the following exhibits are identified:

The following copies of documents are attached to Complainant's Brief of December 22, 2016 and are part of the record of this proceeding:

- CV-1. Odd Fellows Invoice #379, dated June 6, 2012.
- CV-2. Odd Fellows Invoice #380, dated June 6, 2012.
- CV-3. Odd Fellows Invoice #381, dated June 6, 2012.
- CV-4. Odd Fellows Invoice #382, dated June 6, 2012.
- CV-5. Front and reverse of Check no. 0000008082, dated March 14, 2013, drawn on the account of Charles P. Varvayanis and Pat Jones, payable to Odd Fellows, for account: 24982 Jordan Way West-Varvayanis, in the amount of \$571.60.
- CV-6. Front and reverse of Check no. 0000008083, dated March 19, 2013, drawn on the account of Charles P. Varvayanis and Pat Jones, payable to Odd Fellows, for account: 25431 Wheeler Road-Varvayanis, in the amount of \$571.60.

- CV-7. Front and reverse of Check no. 0000008105, dated April 4, 2013, drawn on the account of Charles P. Varvayanis and Pat Jones, payable to Odd Fellows, for account: 25431 Wheeler Road-Varvayanis, in the amount of \$452.40.
- CV-8. Front and reverse of Check no. 0000008106, dated April 5, 2013, drawn on the account of Charles P. Varvayanis and Pat Jones, payable to Odd Fellows, for account: 24982 Jordan Way West-Varvayanis, in the amount of \$452.40.
- CV-9. Odd Fellows receipt dated 4/9/2014.

The following additional copies of documents have been submitted during this proceeding by Complainant and are part of the record of this proceeding:

- CV-10. Transmittal note to Sierra Park Property Owners for 1<sup>st</sup> of 20 quarterly refunds in the amount of \$2.88 (Exhibit D to Complaint filed October 6, 2016).
- CV-11. Odd Fellows Newsletter, March 2016 (Exhibit F, page 4, to Complaint filed October 6, 2016).
- CV-12. Email dated March 14, 2016, Varvayanis to "Odd Fellows Sierra Recreation Assoc. Clark Bookkeeping Svc." (Exhibit F, page 5, to Complaint filed October 6, 2016).
- CV-13. Email dated March 22, 2016, Rosie Wallis to Ravi Kumra, cc: Varvayanis, et al. (Exhibit F, page 6, to Complaint filed October 6, 2016).
- CV-14. Odd Fellows Check no. 3122, payable to Varvayanis, dated March 25, 2016, in the amount of \$2.88 (Exhibit F, page 10, to Complaint filed October 6, 2016).
- CV-15. Odd Fellows Check no. 3123, payable to Varvayanis, dated March 25, 2016, in the amount of \$2.88 (Exhibit F, page 11, to Complaint filed October 6, 2016).
- CV-16. Varvayanis letter dated March 31, 2016 regarding: CPUC Decision 16-01-047 and the Odd Fellows Sierra Recreation Association Refund (Exhibit F, page 2-11, to Complaint filed October 6, 2016).

CV-17. Commission letter dated June 1, 2016 re: Disposition of Sierra Park Water Company Advice Letter Number 1 (Exhibit G to Complaint filed October 6, 2016).

CV-18. Sierra Park Advice Letter 1 including Tariff sheets (Exhibit H to Complaint filed October 6, 2016).

The following additional documents have been produced by Defendant but have neither been filed nor made part of the record of this proceeding:

- OF-1. Odd Fellows Credit Memo #635, dated December 11, 2012.
- OF-2. Odd Fellows Credit Memo #636, dated December 11, 2012.
- OF-3. Odd Fellows Credit Memo #637, dated December 11, 2012.
- OF-4. Odd Fellows Credit Memo #638, dated December 11, 2012.
- OF-5. Odd Fellows Invoice #599, dated December 12, 2012.
- OF-6. Odd Fellows Invoice #600, dated December 12, 2012.
- OF-7. Odd Fellows Invoice #601, dated December 12, 2012.
- OF-8. Odd Fellows Invoice #602, dated December 12, 2012.

Additionally, the ALJ proposes to take official notice, pursuant to Commission Rule 13.9 and Evidence Code section 450 *et. seq.*, of the following:

- ALJ-1. *Report of the Odd Fellows Sierra Recreation Association*, filed on December 7, 2012 in C-12.03.017.

Official notice of the foregoing report is proposed to establish Odd Fellows stated a budgeted expense of \$571.60 per lot for water service for fiscal year 2012.

Therefore, IT IS RULED that:

On or before January 20, 2017 each party shall file and serve:

1. All additional documentary evidence upon which the party intends to rely in this proceeding and moves into evidence, including documentary evidence identified in the body of this ruling which is not presently part of the record of the proceeding, The additional evidence shall be identified sequentially using the above format (e.g. the first additional exhibit proposed by Complainant shall be "CV-19"; the first

exhibit proposed by Defendant shall be "OF-1" (as identified above) and any additional exhibit proposed by Defendant shall be "OF-9"; the first additional exhibit proposed for official notice shall be "ALJ-2".

2. All objections to admission into evidence any of the documents identified in the body of this ruling including the propriety of taking judicial notice of ALJ-1.
3. A statement specifying each of the documents identified in the body of this ruling to which the party has no objection or agrees should be admitted into evidence in this proceeding.
4. A list of witnesses, summary of anticipated testimony from each, and time estimates for direct testimony of a party's own witnesses and for cross-examination of an opposing party's or other witnesses.

On or before January 25, 2017 each party shall file and serve:

1. All objections to admission into evidence any of the documents served on or before January 20, 2017 in response to this ruling.
2. A statement specifying each of the documents served on or before January 20, 2017 in response to this ruling to which the party has no objection or agrees should be admitted into evidence in this proceeding.

Dated January 12, 2017, at San Francisco, California.

THE DOCKET OFFICE SHALL FORMALLY FILE THIS RULING.

*Eric Wildgrube*  
*Administrative Law Judge*  
*California Public Utilities Commission*