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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

4	Charles P. Varvayanis,)	Case 16-10-005
5	Complainant,)	(Filed October 6, 2016)
6	vs.)	
7	Odd Fellows Sierra Recreation Association,)	
8	Defendant.)	

VERIFIED RESPONSE TO JANUARY 12, 2017 RULING

12 Charles P. Varvayanis
 13 P. O. Box 395
 14 Long Barn, CA 95335
 Telephone: (209) 586-3782
 E-mail: charles@varvayanis.com

January 20, 2017

1 Charles P. Varvayanis
2 P. O. Box 395
3 Long Barn, CA 95335
4 Telephone: (209) 586-3782
5 E-mail: charles@varvayanis.com

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

7 Charles P. Varvayanis,) Case 16-10-005
8 Complainant,) (Filed October 6, 2016)
9 vs.) Related Modification Decision 16-08-006
10 Odd Fellows Sierra Recreation Association,) (Issued August 19, 2016)
11 Defendant.) Related Original Decision 16-01-047
12) (Issued January 29, 2016)
13) Related Case 12-03-017
14) (Filed March 14, 2012)
15) **VERIFIED RESPONSE TO JANUARY**
16) **12, 2017 RULING**

17 **RESPONSE TO JANUARY 12, 2017 RULING**

18 Pursuant to the E-mail Ruling of Administrative Law Judge Eric Wildgrube dated
19 January 12, 2012 Complainant Charles Paul Varvayanis (hereafter "Complainant"), files his
20 Response to January 12, 2017 Ruling as follows:

21 **I. ADDITIONAL DOCUMENTARY EVIDENCE**

22 Additional documentary evidence was submitted earlier today with the Complainant's
23 Opposition to the Motion to Dismiss:

- 24 CV-19. Complaint C1203017 filed March 14, 2012
25 CV-20. Decision 16-01-047 issued January 29, 2016
CV-21. Advice Letter (AL) Suspension Notice dated January 12, 2017

1 Additional documentary evidence is submitted with this Response to January 12, 2017

2 Ruling:

3 CV-22. E-mail "Payments made by complainants" dated January 5, 2017.

4 CV-23. STAFF REPORT ON APPLICATION OF Odd Fellows Sierra Recreation
5 Association and Sierra Park Water Company, Inc. For Certificate of Public Convenience and
6 Necessity A. 13-09-023 AND Complaint by Fred Coleman, Steven Wallace, Larry L. Vaughn
and Ruth Dargitz Vs Odd Fellows Sierra Recreation Association C 13-03-017 dated September
30, 2014.

7 CV-25. Decision 16-08-006 issued August 19, 2016.

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10 **II. OBJECTIONS TO ADMISSION INTO EVIDENCE**

11 The Complainant objects to admission into evidence the following items identified in the
12 body of the January 12, 2017 ruling:

13 OF-1. Odd Fellows Credit Memo #635, dated December 11, 2012.

14 OF-2. Odd Fellows Credit Memo #636, dated December 11, 2012.

15 OF-3. Odd Fellows Credit Memo #637, dated December 11, 2012.

16 OF-4. Odd Fellows Credit Memo #638, dated December 11, 2012.

17 OF-5. Odd Fellows Invoice #599, dated December 12, 2012.

18 OF-6. Odd Fellows Invoice #600, dated December 12, 2012.

19 OF-7. Odd Fellows Invoice #601, dated December 12, 2012.

20 OF-8. Odd Fellows Invoice #602, dated December 12, 2012.

21 The Complainant was not aware of the of the existence of the above items prior to
22 Defendant's Odd Fellows Sierra Recreation Association (hereafter "Odd Fellows"), January 5,
23 2017 e-mail to Ravi Kumra titled "RE: case 16-10-005: Payments made by complainants"
24 (Exhibit CV-22).
25
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1 Odd Fellows' Agent/Account Carlson, Hass and Associates (hereafter "Agent") claims it
2 uses QuickBooks Pro for Odd Fellows' accounting and invoicing. QuickBooks Pro
3 automatically issues transaction numbers sequentially but allows transaction dates to set to a
4 desired date.

5 The Complainant objects the use of OF-1 through OF-8 as evidence because the
6 Complainant was not previously aware of the existence of OF-1 through OF-8 and because the
7 authenticity of Odd Fellows' claim is questionable because the transaction sequence numbers do
8 not support the order of the transactions as claimed in Exhibit CV-22 on page 2, paragraph 2:

9 *"On December 11, 2012, Odd Fellows credited Mr. Varvayanis \$571.60 on each*
10 *of the original invoices attached hereto as Exhibit "1" (thereby reducing the*
11 *balance due for such original invoices to \$452.40 (\$1,024-\$571.60)). Copies of*
12 *such credit memos are attached hereto as **Exhibit "2"**. The next day, December*
13 *12, 2012, Odd Fellows invoiced Mr. Varvayanis \$571.60 for water for each of his*
14 *four lots. Copies of such invoices are attached hereto as **Exhibit "3"**."*

15 The Complainant also objects to admission into evidence the following item identified in
16 the body of the January 12, 2017 ruling for the proposed purpose to establish Odd Fellows stated
17 a budgeted expense of \$571.60 per lot for water service for fiscal year 2012:

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

20 Since it may be inappropriate to object the ALJ-1's admission into evidence, it is
21 however appropriate to request the use of ALJ-1 be excluded from the proposed purpose to
22 establish Odd Fellows stated a budgeted expense of \$571.60 per lot for water service for fiscal
23 year 2012 for the following reasons:

24 The contents of ALJ-1 were never verified, confirmed or endorsed by the Commission in
25 any way. Eventually the Division of Water and Audits (hereafter "DWA" or "Water Division")
requested updates to estimated information.

1 On September 30, 2014 the California Public Utilities Commission, Division of Water
2 and Audits issued its “STAFF REPORT ON APPLICATION OF Odd Fellows Sierra Recreation
3 Association and Sierra Park Water Company, Inc. For Certificate of Public Convenience and
4 Necessity A. 13-09-023 AND Complaint by Fred Coleman, Steven Wallace, Larry L. Vaughn
5 and Ruth Dargitz Vs Odd Fellows Sierra Recreation Association C 13-03-017” (Exhibit CV-23).
6 The DWA questioned the updates to estimated information in CV-23, Page 7, starting at paragraph
7 1:

8 *“The Recreation Association provided its financial report updated to May 31, 2013.¹²*
9 *In the financial report, the auditors state that*

10 *. . . the financial statements do not express an opinion or provide any*
11 *assurances about whether the financial statements are in accordance with*
12 *accounting principles generally accepted in the United States of America . . .*
13 *The policy is to prepare the financial statements on the modified basis of each*
14 *cash receipts and cash disbursements. Accordingly, the accompanying*
15 *financial statements are not intended to present the financial position or*
16 *results of operations in conformity with accounting principles generally*
17 *accepted in the United States of America. . . . We are not independent with*
18 *respect to Odd Fellows Sierra Recreation Association, Inc.¹³*

19 *The financial report did not segregate all water related income and expenses.*
20 *Rather, it presented all information for the Recreation Association for all*
21 *activities that were handled by the Recreation Association. The Recreation*
22 *Association also stated that it did not segregate records for the water service*
23 *offered. Due to this, Staff could not rely on the accuracy of the historical financial*
24 *information presented by the Recreation Association. In addition to the financial*
25 *statements, Staff reviewed the invoices that justified the expenses reported by*
26 *the Recreation Association in A. 13-09-023. However, staff was unable to find*
27 *sufficient explanations to justify many of the expenditures claimed.*”

28 Note: Underlining and bolding added for emphasis.

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12 Odd Fellows Sierra Recreation Association Inc., Compiled Financial Statements, May 31,
2013.

13 Id, at page 1

1 Based on the above, Odd Fellows report ALJ-1 should not be used to establish Odd
2 Fellows stated a budgeted expense of \$571.60 per lot for water service for fiscal year 2012.

3
4 **III. NO OBJECTIONS TO ADMISSION INTO EVIDENCE**

5 The Complainant has no objects to admission into evidence the following items identified
6 in the body of the January 12, 2017 ruling:

7 CV-1. CV-1. Odd Fellows Invoice #379, dated June 6, 2012.

8 CV-2. Odd Fellows Invoice #380, dated June 6, 2012.

9 CV-3. Odd Fellows Invoice #381, dated June 6, 2012.

10 CV-4. Odd Fellows Invoice #382, dated June 6, 2012.

11 CV-5. Front and reverse of Check no. 0000008082, dated March 14, 2013, drawn
12 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.

13 CV-6. Front and reverse of Check no. 0000008083, dated March 19, 2013, drawn
14 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.

15 CV-7. Front and reverse of Check no. 0000008105, dated April 4, 2013, drawn
16 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.

17 CV-8. Front and reverse of Check no. 0000008106, dated April 5, 2013, drawn
18 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.

19 CV-9. Odd Fellows receipt dated 4/9/2014.

20 CV-10. Transmittal note to Sierra Park Property Owners for 1st of 20 quarterly
21 refunds in the amount of \$2.88 (Exhibit D to Complaint filed October 6, 2016).

22 CV-11. Odd Fellows Newsletter, March 2016 (Exhibit F, page 4, to Complaint
filed October 6, 2016).

23 CV-12. Email dated March 14, 2016, Varvayanis to "Odd Fellows Sierra
24 Recreation Assoc. Clark Bookkeeping Svc." (Exhibit F, page 5, to Complaint filed October 6,
2016).

25 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).

1 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).

2 CV-15. Odd Fellows Check no. 3123, payable to Varvayanis, dated March 25,
3 2016, in the amount of \$2.88 (Exhibit F, page 11, to Complaint filed October 6, 2016).

4 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
5 Complaint filed October 6, 2016).

6 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).

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


9
10 **IV. WITNESSES, ANTICIPATED TESTIMONY AND TIME ESTIMATES**

11 The Complainant intends to call himself as a witness to present the amounts in dispute,
12 what the actual amounts are, why the actual amounts are what they are how they relate to
13 decisions 16-01-047 (Exhibit CV-20) and 16-08-006 (Exhibit CV-25), should take about an hour.

14 The Complainant intends to cross-examination Odd Fellows to further establish the amounts in
15 dispute, what the actual amounts are, why the actual amounts are what they are how they relate
16 to decisions 16-01-047 (Exhibit CV-20) and 16-08-006 (Exhibit CV-25), should take 20 minutes.

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20 DATED: January 20, 2017

Respectfully submitted,

21 By: 
22 Charles P. Varvayanis

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VERIFICATION

I am the Complainant Charles P. Varvayanis and I am authorized to make this verification on my behalf. The statements in the foregoing are true of my own knowledge, except as to the matters which are therein stated on information and believe, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 20, 2017, at Long Barn, California.

By: *Charles P. Varvayanis*
Charles P. Varvayanis