



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

**FILED**  
3-29-17  
01:11 PM

ROBERT BETTENCOURT, JR.

Complainant,

vs.

SIERRA PARK WATER COMPANY  
(U440W),

Defendant.

**(ECP)**

C1703014

Case (C.) \_\_\_\_\_

Expedited Complaint Procedure  
(Rule 4.5)

COMPLAINANT	DEFENDANT
ROBERT BETTENCOURT, JR. 25300 Deborah Drive Longbarn, CA 95335 T-209-206-6431 Email: <a href="mailto:RobbieBettencourt1969@yahoo.com">RobbieBettencourt1969@yahoo.com</a>	SIERRA PARK WATER COMPANY (U440W) Attn: Kirk Knudsen - President P.O. Box 424, Miwuk Village, CA 95436 T-209-586-3098 Email: <a href="mailto:Kirk.knudsen@creationtech.com">Kirk.knudsen@creationtech.com</a>

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

(A)

Robert BeHenart Jr.  
COMPLAINANT(S)

vs.

(B)

Sierra Park Water Company  
DEFENDANT(S)  
(Include Utility "U-Number", if known)

(for Commission use only)

(C)

Have you tried to resolve this matter informally with the Commission's Consumer Affairs staff?

YES  NO

Has staff responded to your complaint?

YES  NO

Did you appeal to the Consumer Affairs Manager?

YES  NO

Do you have money on deposit with the Commission?

YES  NO

Amount \$ 1375.00

Is your service now disconnected?

YES  NO There is no service

COMPLAINT

(D)

The complaint of (Provide name, address and phone number for each complainant)

Name of Complainant(s)	Address	Daytime Phone Number
<u>Robert BeHenart Jr.</u>	<u>25300 Deborah Dr Long Beach CA 95335</u>	<u>(209) 206-6431</u>

respectfully shows that:

(E)

Defendant(s) (Provide name, address and phone number for each defendant)

Name of Defendant(s)	Address	Daytime Phone Number
<u>Sierra Park Water Company</u>	<u>Milwauk Village, CA Po Box 424 <del>00000</del> 95346</u>	<u>(209) 533-7998</u>

(F)

Explain fully and clearly the details of your complaint. (Attach additional pages if necessary and any supporting documentation)

The SPWC has threatened to shut off water to my residence on Lot #14093 which has been payed for in full cause I refuse to pay for my vacant lot #14094 water bill. Lot #14094 is in the Service Area Map in compliance with Decision 016-01-047 But does not meet the following Tariff Rule Definition according to Tariff Rule

Tariff Rule #3 - Application for Service I did not apply for Service.

Tariff Rule #16 - There is no service connector I've layed no pipe no valve.

Tariff Rule #4 - I have no contract for water with SPWC for lot 14094.

Tariff Rule #11 I asked for Discontinuation of Service they charge me Discontinuation Charge and still bill me for Lot and Refuse me the right to not pay water bill.

Tariff Rule 11.B.1 Re Discontinuation and Restoration of Service. There is no service there according to tariff rules. SPWC says Decision 016-01-047 over rides all tariff rules. IF so what good are rules.

I think a small yearly Standby fee would be fair for vacant lots. SAY \$50.00 a year?

(G) Scoping Memo Information (Rule 4.2(a))

(1) The proposed category for the Complaint is (check one):

- adjudicatory (most complaints are adjudicatory unless they challenge the reasonableness of rates)
- ratesetting (check this box if your complaint challenges the reasonableness of a rates) for vacant lots.

(2) Are hearings needed, (are there facts in dispute)?  YES  NO Tariff Rules Being Broken.

(3)  Regular Complaint  Expedited Complaint

(4) The issues to be considered are (Example: The utility should refund the overbilled amount of \$78.00):

The \$1375.00 that the CPWC has impounded should be given back to me cause lot #14094 does not meet the Tariff Rules listed above. And SPWC should not bill me any more for Lot #14094 and threaten to shut off my water for Lot #14093 which is my residence and payed for in full.

(5) The proposed schedule for resolving the complaint within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting) is as follows:

Prehearing Conference: Approximately 30 to 40 days from the date of filing of the Complaint.  
 Hearing: Approximately 50 to 70 days from the date of filing of the Complaint.

Prehearing Conference (Example: 6/1/09):	
Hearing (Example: 7/1/09)	

Explain here if you propose a schedule different from the above guidelines.

(H)

Wherefore, complainant(s) request(s) an order: State clearly the exact relief desired. (Attach additional pages if necessary)

My informal complaint case # H03437 was filed with consumer affairs branch in which they imposed \$ 1375.00 for lot # 14094 vacant lot fees for water with no connection. I would like my \$ 1375.00 back and SPWC to quit billing me for that lot that does not meet tariff rules.  
 # 14094

(I)

**OPTIONAL:** I/we would like to receive the answer and other filings of the defendant(s) and information and notices from the Commission by electronic mail (e-mail). My/our e-mail address(es) is/are:

Robbie Bennett 1969@yahoo.com

(J)

Dated Long Beach, California, this 21 day of 12, 2016  
 (City) (date) (month) (year)

  
 \_\_\_\_\_  
 Signature of each complainant

(MUST ALSO SIGN VERIFICATION AND PRIVACY NOTICE)

**(K)**

**REPRESENTATIVE'S INFORMATION:**

Provide name, address, telephone number, e-mail address (if consents to notifications by e-mail), and signature of representative, if any.

Name of Representative:	
Address:	
Telephone Number:	
E-mail:	
Signature	

VERIFICATION  
(For Individual or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

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

(L)

Executed on 12-21-2016, at Long Beach, California  
(date) (City)

Abbe B. Tracy  
(Complainant Signature)

VERIFICATION  
(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

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

(M)

Executed on \_\_\_\_\_, at \_\_\_\_\_, California  
(date) (City)

Signature of Officer

Title

(N) **NUMBER OF COPIES NEEDED FOR FILING:**

If you are filing your formal complaint on paper, then submit one (1) original, six (6) copies, plus one (1) copy for each named defendant. For example, if your formal complaint has one defendant, then you must submit a total of eight (8) copies (Rule 4.2(b)).

If you are filing your formal complaint electronically (visit <http://www.cpuc.ca.gov/PUC/efiling> for additional details), then you are not required to mail paper copies.

(O) Mail paper copies to: California Public Utilities Commission  
Attn: Docket Office

505 Van Ness Avenue, Room 2001  
San Francisco, CA 94102

PRIVACY NOTICE

This message is to inform you that the Docket Office of the California Public Utilities Commission ("CPUC") intends to file the above-referenced Formal Complaint electronically instead of in paper form as it was submitted.

Please Note: Whether or not your Formal Complaint is filed in paper form or electronically, Formal Complaints filed with the CPUC become a public record and may be posted on the CPUC's website. Therefore, any information you provide in the Formal Complaint, including, but not limited to, your name, address, city, state, zip code, telephone number, E-mail address and the facts of your case may be available on-line for later public viewing.

Having been so advised, the Undersigned hereby consents to the filing of the referenced complaint.



Signature

12-21-2016

Date

Robert L. Hencourt Jr.

Print your name

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVE  
SAN FRANCISCO, CA 94102



November 15, 2016

Robert Bettencourt  
Po Box 313  
Long Barn CA 95335

**Subject: Commission File No:403437 for Complaint with Sierra Park Water Company**

Dear Mr. Bettencourt:

The Consumer Affairs Branch (CAB) of the California Public Utilities Commission has completed its review of your complaint against Sierra Park Water Company (SPWC). As part of the review, CAB considered the information that you provided, the information that Sierra Park

In your complaint, you are disputing charges for Lot. 14.094 stating that there was no service connection involved and that you had not applied for water service for this particular Lot number. You are requesting that all billing charges for Lot 14.094 be removed as you live in Lot 14.093, and charges for Lot 14.094 are not justified.

Decision and Ordering Paragraph (D. 016-01-047, Ordering Paragraph No. 6a) defines the service area, orders refunds, property transfer/affiliate transactions, and sets the rates for SPWC. SPWC states that as an existing customer, you do not have to request service for Lot #s 14.093 and 14.094. Although you state there is no service connection, the utility reports they have a connection to Lot # 14.094 and it is not necessary for the customer to furnish and lay the necessary piping and valve to make the service connection.

SPWC has a service-area map in compliance with D. 016-01-047, and as such, all the properties that were in the Service Area were defined. As a result, you did not have to apply for service for Lot # 14.094 as it was in the Service Area. The utility's records show that you did not apply for water service for Lot # 14.093; however, you have been receiving service at that location.

Rule 4 pertains to contracts and you indicated that you did not enter a contract. Rule 4 states "a contract, as a condition precedent to receiving service from the utility, will be required only under any of the following circumstances." SPWC states that none of the described circumstances was applicable to you, so no contract was required. You have requested to discontinue service for Lot 14.094; however, D. 016-01-047 has set the rates based on the number of properties in the defined Service Area. SPWC has advised that you have the option of merging Lot 14.094 with Lot 14.093. With the merger, service can then be discontinued for Lot 14.094.

Rule 16.1, Service Connections, Meters, and Customer's Facilities concerns the utility's responsibility to provide connection (a curb top in your case), which determines the point of delivery to the customer. SPWC states they have provided service to the curb stop for Lot 14.094. SPWC reports that water service was disconnected for Lot 14.094 due to non-payment. Per Rule 11.B.1.e, Discontinuance and Restoration of Service, it states that if service is discontinued on other property within the service area for non-payment, service can be discontinued for other property in the service area. SPWC reports they received a doctor's note from you stating that you are permanently disabled. As a result, service at Lot 14.093 will not be in jeopardy of a disconnection; however, you are required to continue making payment for this location.

Based on the review of this information, CAB does not find SPWC in violation of the rules or regulations of the



**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVE  
SAN FRANCISCO, CA 94102

Public Utilities Commission. SPWC has been in compliance with D. 016-01.047. Therefore, we sustain the position of SPWC.

The CPUC has your impound check in the amount of \$1,375.00. CAB has been in contact with SPWC and they remain unchanged in their position regarding this issue. Please note that rearguing or repeating your case is not new evidence to change the outcome of this dispute.

Since we are unable to assist you informally, we are enclosing formal papers to file a formal complaint. By filing a formal complaint, it will be your responsibility to prove that the utility has in some way violated the law or its rules.

If you decide to exercise this option, please follow the instructions and return your completed forms to our Docket Office. For assistance in filling out the forms, you may contact our Public Advisor according to the instructions. The Commission will render a decision after a formal hearing before an Administrative Law Judge and determine how the impound check will be disbursed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Doretta Dea".

Doretta Dea  
Consumer Affairs Branch  
1-800-649-7570

Enclosure: Formal Papers

**Rule No. 4 – Contracts**

(N)

A contract, as a condition precedent to receiving service from the utility, will be required only under any of the following circumstances:

1. Where required by provisions in a filed rate schedule.
2. When a main extension to be made under the provision of Rule No. 15 requires an advance for construction.
3. For temporary service supplied under the provisions of Rule No. 13.
4. For standby service, except where furnished under a filed rate schedule not requiring a contract.
5. For any service to be furnished at rates or under conditions other than the rates and conditions contained in these tariff schedules, such contract to become effective only after such authorization as may be required by the Public Utilities Commission has first been obtained.

(N)

*Issued By*

Advice Letter # 1

Kirk M. Knudsen

Date Filed April 4, 2016

Decision # 16-01-047

Name

Effective April 4, 2016

President

Title

Resolution # \_\_\_\_\_

**Rule No. 16 – Service Connections, Meters, and Customer’s Facilities**

(N)

**A. General**

**1. Utility’s Responsibility**

- a. In urban areas with dedicated front streets, rear service roads, or public utility easements the utility will furnish and install the service pipe, curb stop, meter, and meter box at its own expense for the purpose of connecting its distribution system to the customer’s piping, except for temporary services and as otherwise provided in Rule 15, Main Extensions. The service connection, curb stop, meter, and meter box will be installed at a convenient place between the property line and the curb, or inside the customer’s property line where necessary.

In areas which do not have dedicated front streets, rear service roads, or public utility easements, the utility will furnish and install the service pipe, curb stop, meter, and meter box as above provided but at a convenient point on or near the customer’s property except for service beyond the service area.

- b. The service connection will determine the point of delivery of water service to the customer.

**2. Customer’s Responsibility**

**➤ Condition Precedent to Receiving Service**

The customer as a condition precedent to receiving service shall:

- (1) Furnish and lay the necessary piping to make the connection from the service connection to the place of consumption and shall keep such piping in good repair in accordance with such reasonable requirements of the utility as may be incorporated in its rules herein.
- (2) Provide a main valve on the piping between the service connection and the point of customer use.
- (3) Where service is rendered at or near the service area boundary for use beyond the service area, install, operate, and maintain the facilities necessary to provide service.

(N)

(continued)

Advice Letter # <u>1</u>	Issued By <u>Kirk M. Knudsen</u>	Date Filed _____
Decision # <u>16-01-047</u>	Name _____	Effective _____
	President _____	Resolution # _____
	Title _____	