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

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)

And Related Matter.

Case 12-03-017

**ADMINISTRATIVE LAW JUDGE RULING DENYING MOTION FOR LEAVE TO FILE  
NEWLY ACQUIRED INFORMATION THAT SHOWS THAT THE SIERRA PARK  
WATER COMPANY WAS NOT TRUTHFUL IN THEIR COMMENTS FILED  
SEPTEMBER 8, 2015 AND NOVEMBER 19, 2015**

On January 15, 2016, Fred Coleman, on behalf of himself, Steven Wallace, Larry L. Vaughn and Ruth Dargitz Vaughn (Complainants), filed a motion requesting permission to file “newly acquired information that shows that the Sierra Park Water Company was not truthful in [its] comments filed September 8, 2015 and November 19, 2015.” According to the motion, information in the Sierra Park Service Company’s (Water Company) December 2015 “News and Updates” contradicts what Water Company stated in its September 8, 2015 Comments to the Proposed Decision concerning easement lease payments, and contains information that contradicts the Water Company’s

November 19, 2015 Comments on the Revised Proposed Decision. The motion states that, if the motion is granted, “the Commission will be able to make a decision based on the facts, not mistruths.” On January 21, 2016, the Water Company filed its opposition to the motion. The Water Company states that, the motion is actually an improperly named motion to set aside submission and reopen the record but Complainants have failed to comply with Rule 13.14, which requires a motion to set aside submission and reopen to “specify the facts claimed to constitute grounds in justification thereof, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing. It shall contain a brief statement of proposed additional evidence, and explain why such evidence was not previously adduced.”

The initial proposed decision issued on August 18, 2015 and the parties filed comments on August 31, 2015 and September 8, 2015. The revised proposed decision issued on October 30, 2015, and the parties filed comments on November 3, 2015 and November 19, 2015. The matter is on the commission agenda for January 28, 2016. The motion does not state material changes in law or facts alleged to have occurred since submission. It also fails to briefly state the actual proposed additional evidence to be submitted, making substantive response impossible.

Complainants present insufficient justification to reopen the record at this late date. The motion is denied.

**IT IS SO RULED.**

Dated January 22, 2016, at San Francisco, California.

/s/ RICHARD SMITH  
Richard Smith  
Administrative Law Judge