

Decision 13-02-028 February 28, 2013

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

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)

**ORDER EXTENDING STATUTORY DEADLINE**

**1. Summary**

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases, such as this one, shall be resolved within 12 months of initiation unless the Commission makes findings why the deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving this matter is March 13, 2013. Additional time is required to address this matter, and we extend the deadline for resolving this case to December 20, 2013.

**2. Background and Discussion**

On September 24, 2012, the assigned Administrative Law Judge (ALJ) granted Defendant's motion to stay the proceeding, finding that it was reasonable to provide additional time for Defendant to work toward forming a Community Services District. At the first telephonic prehearing conference held

on September 11, 2012, Complainants disagreed with the Community Services District approach, stating their preference that Defendant be required to transfer the water system to the Tuolumne Utilities District. This Commission has no jurisdiction over either the Community Services District or the Tuolumne Utilities District. However, the Defendant is also considering whether to form a mutual water company or to organize as an investor-owned utility (IOU). Until the organization of the water system is determined with finality, it is reasonable to require that water, a vital service for public health and safety, continue to be provided to the lot owners of the subdivision in Tuolumne County known as the I.O.O.F. Odd Fellows Sierra Camp Subdivision 1 and 2, and that water bills be paid according to the agreements memorialized in the ALJ Ruling issued on December 5, 2012.

Because there is continuing controversy over payment of water bills and continued provision of water, the ALJ has properly lifted the stay and scheduled an evidentiary hearing (EH) in June of 2013. At that time, Complainants will have the opportunity to prove that Defendants should be organized as an IOU, and Defendants will have the opportunity to dispute such contentions and explain their efforts to move forward with proper organization of their water system. It is reasonable to allow sufficient time for testimony, EHs, and briefings, as necessary.

### **3. Waiver of Comments on Proposed Decision**

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of recommended decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

#### **4. Assignment of Proceeding**

Catherine J.K. Sandoval is the assigned Commissioner and Angela K. Minkin is the assigned ALJ in this proceeding.

#### **Findings of Fact**

1. The proceeding was initiated on March 14, 2012.
2. Based on the 12-month statutory deadline, this proceeding must be resolved on or before March 13, 2013, unless the date is extended.
3. Because Defendant is reasonably pursuing organization as a community services district, the ALJ properly stayed the proceeding. However, because of continuing controversy over proper organization of the water system, provision of water, and payment of bills, it is now reasonable to extend time for resolving this matter in order to allow for testimony, EHS, and briefing, as necessary.

#### **Conclusions of Law**

1. The 12-month statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended until December 20, 2013.
2. In accordance with Rule 14.6(c)(4) the comment period should be waived.  
This order should be effective immediately.

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding, March 13, 2013, is extended to and including December 20, 2013.

This order is effective today.

Dated February 28, 2013, at San Francisco, California.

MICHAEL R. PEEVEY

President

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

CARLA J. PETERMAN

Commissioners