



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

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Fred Coleman, Steven Wallace, Larry L.
Vaughn, and Ruth Dargitz,

Complainants,

vs.

Odd Fellows Sierra Recreation
Association, a California Corporation,

Defendant.

CASE NO. C-1203017

**ODD FELLOWS SIERRA RECREATION ASSOCIATION'S
MOTION FOR STAY**

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OF THE STATE OF CALIFORNIA**

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I. INTRODUCTION

Pursuant to Rule 11.1 of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, Odd Fellows Sierra Recreation Association (“Recreation Association”) files this Motion for Stay¹ (“Motion”) and respectfully requests the relief contained herein.

II. PROCEDURAL BACKGROUND

In 1986, the Recreation Association and the Odd Fellows Sierra Homeowners, Association (“Homeowners’ Association”) entered into an agreement (the “Water Use Agreement”) whereby the Recreation Association would provide water service to the Homeowners’ Association. Water for this service was extracted via wells on the Recreation Association’s real property. Such water was then transported via Recreation Association-owned pipelines to the lot owners within the subdivisions in Tuolumne County, California known as I.O.O.F. Odd Fellows Sierra Camp Subdivision No. 1 and I.O.O.F. Odd Fellows Sierra Camp Subdivision No. 2 (collectively, the “Park”). Upon information and belief, Complainants are

¹ This Motion for Stay is filed concurrently with Recreation Association’s Answer to Complainant’s Complaint, Case No. 1203017.

former officers and/or members of the board of directors of Homeowners' Association between June 1, 2011 and May 2012 and lot owners of the Park. The Homeowners' Association was the only entity that purchased water from the Recreation Association. Between 1986 and May 31, 2011, Homeowners' Association paid for this service via a lump sum annual fee (along with other services provided by Recreation Association to Homeowners' Association).

The Water Use Agreement was to expire by its own terms on October 11, 2011. The parties agreed however to extend the term of the Water Use Agreement to January 10, 2012. However, as a result of the deterioration of the relationship between the Homeowners' Association and the Recreation Association, the Recreation Association allowed the Water Use Agreement to expire on January 10, 2012.

The Recreation Association has initiated the process to establish a Community Services District to provide to the lot owners of the Park some or all of the services currently provided by the Recreation Association, including water service, to the Homeowners' Association. That proceeding is now before the Tuolumne County Local Agency Formation Committee ("LAFCO").

In March 2012, Homeowners' Association and Complainants filed identical Complaints with the Commission, alleging that Recreation Association should be regulated by the Commission.

III. REQUESTED RELIEF

Recreation Association respectfully requests that the Commission stay these proceedings until the Tuolumne County LAFCO proceedings are completed. Given that the Water Use Agreement governing Recreation Association's only water service relationship has recently expired, and given that Recreation Association is in the process of transferring its water service operations to an as-yet-to-be-formed Community Services District, the future water service arrangements in the Park are still uncertain.

Recreation Association believes that there is good cause to grant this Motion. A stay will ensure that, if and when this proceeding does move forward, the Commission may adequately assess whether the entity providing services (either the newly formed Community Services District or Recreation Association) is an entity under the jurisdiction of the Commission. The water service arrangements in the Park are currently evolving, and a determination by the

Commission at this point in the proceedings might quickly become moot if the water service arrangements and entities providing service is resolved.

For all these reasons, Recreation Association respectfully requests that the Commission grant the relief requested in this motion.

Respectfully submitted,

DAMBACHER, TRUJILLO & WRIGHT

By: /s/ Timothy T. Trujillo

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