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8-09-16

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of California-American Water Company (U210W) for Authorization to Modify Conservation and Rationing Rules, Rate Design, and Other Related Issues for the Monterey District.

Application 15-07-019
(Filed July 14, 2015)

**ADMINISTRATIVE LAW JUDGE'S RULING
REJECTING THE JULY 15, 2016 NOTICE OF INTENT TO CLAIM
INTERVENOR COMPENSATION FILED BY PUBLIC TRUST ALLIANCE**

Summary

The notice of intent (NOI) to claim intervenor compensation filed by Public Trust Alliance (PTA) on July 15, 2016 is rejected.

Background

PTA filed its NOI on October 9, 2015, and amended the NOI on November 18, 2015. The ruling of March 8, 2016, rejected the NOI because PTA had not demonstrated status as an eligible customer under § 1802(b)(1)(C) and had not made a showing of significant financial hardship.¹ On July 15, 2016, PTA filed its second "Amended Notice of Intent" (the third NOI filed in this proceeding).

Discussion

Rule 1.12 of the Commission Rules of Practice and Procedure (Rules) defines an "amendment" as "a document that makes a substantive change to a

¹ Administrative Law Judge's Ruling Rejecting Public Trust Alliance's Amended Notice of Intent to Claim Intervenor Compensation, filed March, 8, 2016 at 5-7.

previously filed document.” PTA’s July 15, 2016 NOI does not change the substance of the previously filed NOI. Instead, it sets forth additional arguments in challenge to the March 8, 2016 ruling. Thus, the third NOI represents an appeal of that ruling.

The Commission’s Rules do not provide for appeals of Administrative Law Judge (ALJ) rulings. Moreover, the March 8, 2016 ruling made only a preliminary assessment of PTA’s eligibility. The final assessment occurs in response to a request filed pursuant to § 1804(c).² PTA may present the arguments set forth in the third NOI in order to perfect its showing of eligibility, and any other relevant information, in a request filed pursuant to § 1804(c).³ The Commission will consider the ALJ’s preliminary ruling, along with all other relevant information, when it renders its decision on any claim that may be filed.

IT IS RULED that Notice of Intent to Claim Intervenor Compensation filed by Public Trust Alliance on July 15, 2016, is rejected. Public Trust Alliance’s additional argument supporting the party’s showing of eligibility for compensation may be included in a request for an award of intervenor compensation.

Dated August 9, 2016, at San Francisco, California.

/s/ GARY WEATHERFORD
Gary Weatherford
Administrative Law Judge

² See, D.98-04-059 at 29.

³ See also Rule 17.3 of the Commission Rules of Practice and Procedure.