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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 13, 2016 NOTICE OF INTENT TO CLAIM
INTERVENOR COMPENSATION FILED BY WATER PLUS**

Summary

The notice of intent to claim intervenor compensation (NOI) filed by Water Plus on July 13, 2016 is rejected.

Background

Water Plus filed its notice of intent (NOI) on September 21, 2015. The ruling of November 6, 2015, rejected the NOI because Water Plus had not demonstrated status as an eligible customer under §1802(b)(1)(C) and had not made a showing of significant financial hardship.¹ Water Plus amended its NOI on November 9, 2015. The ruling of July 5, 2016 rejected the amended NOI for the same reasons as the November 6, 2015 ruling.² On July 13, 2016, Water Plus filed its second amended notice of intent (the third NOI filed in this proceeding).

¹ Administrative Law Judge's Ruling Rejecting Water Plus's Notice of Intent to Claim Intervenor Compensation, filed November 6, 2015 at 5-6.

² Administrative Law Judge's Ruling Rejecting Water Plus's Amended Notice of Intent to Claim Intervenor Compensation, filed July 5, 2016 at 5-7

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 previously filed document.” Water Plus’s July 13, 2016 NOI does not change the substance of the previously filed NOIs. Instead, it sets forth additional arguments in challenge to the July 5, 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’s (ALJ) rulings. Moreover, the November 6, 2015, and July 5, 2016 ruling made only a preliminary assessment of Water Plus’s eligibility. The final assessment occurs in response to a request filed pursuant to § 1804(c).³ Water Plus 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).⁴ 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 Water Plus on July 13, 2016, is rejected. Water Plus’s additional argument

³ See, D.98-04-059 at 29.

⁴ See also Rule 17.3 of the Commission Rules of Practice and Procedure.

supporting the party's showing of eligibility for compensation may be included in a request for an award of intervenor compensation.

Dated August 23, 2016, at San Francisco, California.

/s/ GARY WEATHERFORD

Gary Weatherford
Administrative Law Judge