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

Rebecca White, Fred Avalos, Jason Sullivan,  
Uel Furnas, Jeff Charist, Steve & Teresa  
Poole, John Rosh, Jeff Sindlinger, Leroy  
Chism, Jesus Gallardo and Todd Tenhet,

Complainants,

vs.

California Water Service Company (U60W),

Defendant.

Case 16-05-010  
(Filed May 17, 2016)

**ADMINISTRATIVE LAW JUDGE'S RULING REQUIRING  
COMPLAINANTS TO SHOW CAUSE WHY COMPLAINTS  
SHOULD NOT BE DISMISSED**

**Summary**

Complainants Rebecca White, Fred Avalos, Jason Sullivan, Uel Furnas, Jeff Charist, Steve & Teresa Poole, John Rosh, Jeff Sindlinger, Leroy Chism, Jesus Gallardo and Todd Tenhet failed to appear at the prehearing conference (PHC) held on September 9, 2016, in Visalia, California. This ruling directs each of the Complainants to file a written response, no later than October 14, 2016, to show cause why they failed to appear and why their complaints should not be dismissed.

## **1. Background**

On May 17, 2016, Complainants Rebecca White, Fred Avalos, Jason Sullivan, Uel Furnas, Jeff Charist, Steve & Teresa Poole, John Rosh, Jeff Sindlinger, Leroy Chism, Jesus Gallardo and Todd Tenhet (hereafter Complainants) filed a complaint with the California Public Utilities Commission (Commission) against California Water Service Company (Cal Water). Complainants all requested to receive filings, information and notice from the Commission at a single e-mail address.

On May 26, 2016, the Commission's Chief Administrative Law Judge issued Instructions to Answer to Defendant Cal Water. Cal Water filed an answer to the complaint on June 27, 2016, which was served on the service list by electronic mail that date. On July 5, 2016, in response to a request from the Commission's Docket Office, Cal Water re-filed its unchanged answer in PDF format, along with a verification by a corporate officer and corrected certificate of service, with e-mail copies to the service list.

On August 8, 2016, the assigned Administrative Law Judge (ALJ) issued a ruling setting a PHC at 10:00 a.m. on September 9, 2016, in Visalia, California. This ruling was issued to the service list by e-mail. There was no evidence that the service by e-mail was ineffective.

On September 9, 2016, representatives of Defendant Cal Water were present at the PHC and ready to proceed. None of the Complainants were present at the PHC, and none had contacted the ALJ or the Commission's Public Advisor's office requesting a postponement or expressing any concern about the scheduled date and time of the PHC.

## 2. Discussion

As the summary above indicates, the Complainants, without explanation, failed to appear at the scheduled PHC in this matter. As of the date of this ruling, none of the Complainants has contacted the ALJ or the Public Advisor's Office about their failure to appear.

The Commission must determine whether the Complainants wish to pursue their complaints, or whether any or all of them should be dismissed. The Complainants will be permitted to file a written response to this ruling advising the Commission either of their intent to withdraw their complaints or prosecute them.

### **IT IS RULED that:**

1. On or before October 14, 2016, each of the Complainants named above shall file a written response to this ruling to show cause why they failed to appear at the prehearing conference held on September 9, 2016, and why their complaints should not be dismissed.
2. In the event any of the Complainants wish to withdraw their complaint, they shall file a written request to withdraw their complaint.
3. Parties needing assistance regarding the Commission's Rules and Procedures should contact the Public Advisor's Office at 1-866-849-8390 (toll free) or 415-703-2074 or by e-mail at [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

Dated October 5, 2016, at San Francisco, California.

/s/ DAN H. BURCHAM

Dan H. Burcham  
Administrative Law Judge