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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Charles Parks, Linda Salsbury, Bob Sherrill, Julie Weakley, Janet Reniere, Gary Parkinson, Richard Miller, Sharon McMahan, David Andre, Donna Andre, Allan Quist, Sheree Quist, Karen Finley, Willene Howe, Christy Atwood VanHook, Winifred Moore, Newton Hightower, Nancy Gerrard, Marc Scheible, Debbie Scheible, Cheryl Jones, Katie Phillips, Janice Elam, Jeanette Lynn, Justin Edwards, Nancy Edwards, Franchelle Ellisson, Richard Beebe, Kathleen Beebe, Rod Goss, Howard Neely, Irene Richardson, Mark Richardson, Jayne Thurman, Charles Shapiro, Mary Ann Service, Ron Sutton, Gary Rayburn, Mary Browning, Vern Glomb, Priiscilla Glomb, Annabelle Barnett, Kenneth Sikes, Debbie McDaniel, Herbert Biddle, Linda Tayman, Teresa Strange, Jim Keene, Ruben Comelli, Christine Burciagan Phil Maggio, Gail Maggio, Dawn Herrera, Steve Dimmick, Joanne Dimmick, Rodger Harmel, Sue Stanton,

Complainants,

vs.

MESA DUNES MOBILE HOME ESTATES, LLC,
a California Limited Liability Company, dba MESA
DUNES MOBILE HOME ESTATES.

Defendant.

Case 16-12-012

SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

Summary

This Scoping Memo and Ruling sets forth the category, issues, need for hearing, schedule, and other matters necessary to scope this proceeding pursuant to Public Utilities Code Section 1701.1 and Article 7 of the Commission's Rules of Practice and

Procedure.¹ This Scoping Memo and Ruling also directs the Commission's Water Division to perform a study of the water rates charged by defendant Mesa Dunes Mobile Home Estates pursuant to Public Utilities Code (Pub. Util. Code) § 2705.6.

1. Background

On December 19, 2016, Charles Parks, Linda Salsbury, Bob Sherrill, Julie Weakley, Janet Reniere, Gary Parkinson, Richard Miller, Sharon McMahan, David Andre, Donna Andre, Allan Quist, Sheree Quist, Karen Finley, Willene Howe, Christy Atwood VanHook, Winifred Moore, Newton Hightower, Nancy Gerrard, Marc Scheible, Debbie Scheible, Cheryl Jones, Katie Phillips, Janice Elam, Jeanette Lynn, Justin Edwards, Nancy Edwards, Franchelle Ellissonn, Richard Beebe, Kathleen Beebe, Rod Goss, Howard Neely, Irene Richardson, Mark Richardson, Jayne Thurman, Charles Shapiro, Mary Ann Service, Ron Sutton, Gary Rayburn, Mary Browning, Vern Glomb, Pri lscilla Glomb, Annabelle Barnett, Kenneth Sikes, Debbie McDaniel, Herbert Biddle, Linda Tayman, Teresa Strange, Jim Keene, Ruben Comelli, Christine Burciagan Phil Maggio, Gail Maggio, Dawn Herrera, Steve Dimmick, Joanne Dimmick, Rodger Harmel, Sue Stanton (Parks, *et al.* or Complainants), representing more than ten percent of Mesa Dunes' water service connections, filed a complaint under Pub. Util. Code § 2705.6 alleging that Mesa Dunes Mobile Home Estates, LLC (Mesa Dunes or Defendant) is charging Complainants for water at rates that are not just and reasonable. On February 17, 2017, defendants filed an answer to the complaint. On June 28, 2017, complainants filed an amended complaint, and on July 27, 2017, defendants filed an answer to the amended complaint. That same date, defendants filed a motion to dismiss the amended complaint, and on August 24, 2017, complainants filed an answer to the motion to dismiss.

¹ California Code of Regulations, Title 20, Division 1, Chapter 1; hereinafter, Rule or Rules.

A prehearing conference (PHC) was set by a ruling dated May 15, 2017 in Arroyo Grande, California. On June 15, 2017, the PHC was held to determine parties, discuss the scope, the schedule, and other procedural matters.

2. Scope

Based on the original and amended complaint and answer and the discussion at the PHC, the following issues are within the scope of this proceeding:

1. Whether the water rates charged by Mesa Dunes are just and reasonable.
2. Whether the water rates charged by Mesa Dunes should be modified.
3. Whether complainants are due any reimbursements due to excessive rates and if so, in what amounts.

This complaint does not allege any safety or service quality issues.

3. Categorization

The Commission in the Instruction to Answer, issued on January 19, 2017, determined that the category of the proceeding is adjudicatory and preliminarily determined that hearings are needed. This scoping memo confirms the preliminary categorization. Any party who disagrees with the categorization must file an appeal of the categorization no later than ten days after the date of this scoping ruling. (*See* Rule 7.6.)

4. Need for Hearing

The Commission in the Instruction to Answer also preliminarily determined that hearings are required. Due to the nature of the complaint and the relief requested, an evidentiary hearing is not necessary at this time, but may be needed at a later date.

5. Ex Parte Communications

In an adjudicatory proceeding such as this one, *ex parte* communications with the assigned Commissioner, other Commissioners, their advisors and the Administrative Law Judge (ALJ) are prohibited as described at Pub. Util. Code § 1701.2(c) and Article 8 of the Rules.

6. Assigned Commissioner, Presiding Officer

Liane M. Randolph is the assigned Commissioner and Dan H. Burcham is the assigned ALJ. Pursuant to Pub. Util. Code § 1701.3 and Rule 13.2 of the Commission's Rules of Practice and Procedure, ALJ Burcham is designated as the Presiding Officer in the event hearings are required.

7. Filing, Service and Service List

The official service list has been created and is on the Commission's website. Parties should confirm that their information on the service list is correct, and serve notice of any errors on the Commission's Process office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.

When serving any document, each party must ensure that it is using the current official service list on the Commission's website.

This proceeding will follow the electronic service protocols set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the date scheduled for service to occur. Parties are reminded, when serving copies of documents, the document format must be consistent with the requirements set forth in Rules 1.5 and 1.6. Additionally, Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents. In this proceeding, parties are directed to serve documents to the assigned Commissioner in electronic format only. Parties are not to serve paper copies on the assigned Commissioner.

Rules 1.9 and 1.10 govern service of documents only and do not change the Rules regarding the tendering of documents for filing. Parties can find information about electronic filing of documents at the Commission's Docket Office at www.cpuc.ca.gov/PUC/efiling. All documents formally filed with the Commission's Docket Office must include the caption approved by the Docket Office and this caption must be accurate.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at process_office@cpuc.ca.gov to request addition to the “Information Only” category of the official service list pursuant to Rule 1.9(f).

8. Discovery

Discovery may be conducted by the parties consistent with Article 10 of the Commission’s Rules. Any party issuing or responding to a discovery request shall serve a copy of the request or response simultaneously on all parties. Electronic service under Rule 1.10 is sufficient, except Rule 1.10(e) does not apply to the service of discovery and discovery shall not be served on the ALJ. Deadlines for responses may be determined by the parties. Motions to compel or limit discovery shall comply with Rule 11.3.

9. Public Advisor

Any person interested in participating in this proceeding who is unfamiliar with the Commission’s procedures or who has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao/> or contact the Commission’s Public Advisor at 866-849-8390 or 415-703-2074 or 866-836-7825 (TTY), or send an e-mail to public.advisor@cpuc.ca.gov.

10. Schedule

The adopted schedule is:

EVENT	DATE
Prehearing Conference	June 15, 2017
Division of Water and Audits Investigation and Report	As soon as practicable
Concurrent Opening Briefs	Within 20 days of Report
Concurrent Reply Briefs / Submission	Within 5 days of Opening Briefs
Proposed Decision	November 15, 2017
Comments on Proposed Decision	Within 20 Days of Service of the Proposed Decision
Replies to Comments on Proposed Decision	Within 5 Days of Service of Comments
Anticipated Commission Meeting/Decision	December 14, 2017

The proceeding will be submitted upon the filing of reply briefs, unless the assigned Commissioner or the ALJ directs further evidence or argument or another submission date is deemed appropriate. The assigned Commissioner or assigned ALJ may modify this schedule as necessary to promote the efficient management and fair resolution of this proceeding.

It is the Commission's intent to complete this proceeding within 12 months of the date the action is initiated. This deadline may be extended by order of the Commission. (Pub. Util. Code § 1701.2(e).)

If there are any workshops in this proceeding, notice of such workshops will be posted on the Commission's Daily Calendar to inform the public that a decision-maker or an advisor may be present at those meetings or workshops. Parties shall check the Daily Calendar regularly for such notices.

11. Settlement and Alternative Dispute Resolution

While the schedule does not include specific dates for settlement conferences, it does not preclude parties from meeting at other times provided notice is given consistent with our Rules.

The Commission offers Alternative Dispute Resolution (ADR) services consisting of mediation, facilitation, or early neutral evaluation. Use of ADR services is voluntary, confidential, and at no cost to the parties. Trained ALJs serve as neutrals. The parties are encouraged to visit the Commission's ADR webpage at <http://www.cpuc.ca.gov/adr/>, for more information.

If requested, the assigned ALJ will refer this proceeding, or a portion of it, to the Commission's ADR Coordinator. Alternatively, the parties may contact the ADR Coordinator directly at adr_program@cpuc.ca.gov. The parties will be notified as soon as a neutral has been assigned; thereafter, the neutral will contact the parties to make pertinent scheduling and process arrangements. Alternatively, and at their own expense, the parties may agree to use outside ADR services.

IT IS RULED:

1. The category of this proceeding is adjudicatory. Appeals as to category, if any, must be filed and served within ten days from the date of this scoping memo.
2. Administrative Law Judge Dan H. Burcham is designated as the Presiding Officer.
3. The scope of the issues for this proceeding is as stated in "Section 2. Scope" of this ruling.
4. Hearings may be necessary but are not scheduled at this time.
5. The schedule for the proceeding is set in "Section 10. Schedule" of this ruling. The assigned Commissioner or Presiding Officer may adjust this schedule as necessary for efficient management and fair resolution of this proceeding.
6. *Ex parte* communications are prohibited. (See Public Utilities Code Section 1701.2(c); Article 8 of the Commission's Rules of Practice and Procedure.)

7. The Commission's Water Division is hereby directed to investigate this complaint and report back to the assigned Commissioner, Presiding Officer and parties with their findings.

8. Parties shall adhere to the instructions provided in Appendix A of this ruling for submitting supporting documents (select: testimony, workshop reports, etc.)

Dated October 11, 2017, at San Francisco, California.

/s/ LIANE M. RANDOLPH

Liane M. Randolph
Assigned Commissioner

APPENDIX A

The following text may be attached as an appendix or included as appropriate (e.g. the filing of supporting documents is anticipated shortly after issuing the scoping memo). If included within the text of the scoping memo it is suggested it follow section 8.

1. Electronic Submission and Format of Supporting Documents

The Commission's web site now allows electronic submittal of supporting documents (such as testimony and work papers).

Parties shall submit their testimony or workpapers in this proceeding through the Commission's electronic filing system.¹ Parties must adhere to the following:

- The Instructions for Using the "Supporting Documents" Feature, (<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&DocID=158653546>) and
- The Naming Convention for Electronic Submission of Supporting Documents (<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&DocID=100902765>).
- The Supporting Document feature does not change or replace the Commission's Rules of Practice and Procedure. Parties must continue to adhere to all rules and guidelines in the Commission's Rules of Practice and Procedures including but not limited to rules for participating in a formal proceeding, filing and serving formal documents and rules for written and oral communications with Commissioners and advisors (i.e. "ex parte communications") or other matters related to a proceeding.

¹ These instructions are for submitting supporting documents such as testimony and work papers in formal proceedings through the Commission's electronic filing system. Parties must follow all other rules regarding serving testimony.

Any document that needs to be formally filed such as motions, briefs, comments, etc., should be submitted using Tabs 1 through 4 in the electronic filing screen.

- The Supporting Document feature is intended to be solely for the purpose of parties submitting electronic public copies of testimony, work papers and workshop reports (unless instructed otherwise by the Administrative Law Judge), and does not replace the requirement to serve documents to other parties in a proceeding.
- Unauthorized or improper use of the Supporting Document feature will result in the removal of the submitted document by the CPUC.
- Supporting Documents should not be construed as the formal files of the proceeding. The documents submitted through the Supporting Document feature are for information only and are not part of the formal file (i.e. “record”) unless accepted into the record by the Administrative Law Judge.

All documents submitted through the “Supporting Documents” Feature shall be in PDF/A format. The reasons for requiring PDF/A format are:

- Security – PDF/A prohibits the use of programming or links to external executable files. Therefore, it does not allow malicious codes in the document.
- Retention – The Commission is required by Resolution L-204, dated September 20, 1978, to retain documents in formal proceedings for 30 years. PDF/A is an independent standard and the Commission staff anticipates that programs will remain available in 30 years to read PDF/A.
- Accessibility – PDF/A requires text behind the PDF graphics so the files can be read by devices designed for those with limited sight. PDF/A is also searchable.

Until further notice, the “Supporting Documents” do not appear on the “Docket Card”. In order to find the supporting documents that are submitted electronically, go to:

- Online documents, choose: “[E-filed Documents](#)”,
- Select “Supporting Document” as the document type, (do not choose testimony)
- Type in the proceeding number and hit search.

Please refer all technical questions regarding submitting supporting documents to:

- Kale Williams (kale.williams@cpuc.ca.gov) 415 703- 3251 and
- Ryan Cayabyab (ryan.cayabyab@cpuc.ca.gov) 415 703-5999

(End of Attachment)