

CALIFORNIA PUBLIC UTILITIES COMMISSION
Water Branch

COMPLIANCE PROCEDURE

Standard Practice U-12-W

SAN FRANCISCO, CALIFORNIA
October 2003

COMPLIANCE PROCEDURE

A – PURPOSE AND SCOPE

1. The purpose of this procedure is to ensure that Orders of the Commission for water and sewer system utilities are identified, monitored and complied with on a timely basis as required by the Public Utilities Code.¹

B – COMPLIANCE GENERALLY

2. The Compliance Unit will be responsible for identifying orders requiring compliance, entering them into the data base and preparing the report on the overall status of all compliance matters concerning water utilities under Commission jurisdiction (Compliance Report). The Compliance Unit will produce the Compliance Report every month and provide it to the Chief of the Water Branch and to each section head at the end of every month.
3. Each unit (Support Unit A (SUA), Support Unit B (SUB)) will be responsible for monitoring compliance activities of individual water utilities within their areas of responsibility. They will update and report the status of compliance on each compliance order for each of the affected water utilities to OSB by the 25th of each month in a format that is explained later in these Procedures. Each unit will monitor the compliance activities associated with a specific compliance order from the time it first receives notice of the pending compliance from OSB until the order has been satisfactorily complied with.

¹ 702. Every public utility shall obey and comply with every order, decision, direction, or rule made or prescribed by the commission in the matters specified in this part, or any other matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper to secure compliance therewith by all of its officers, agents, and employees.

2113. Every public utility, corporation, or person which fails to comply with any part of any order, decision, rule, regulation, direction, demand, or requirement of the commission or any commissioner is in contempt of the commission, and is punishable by the commission for contempt in the same manner and to the same extent as contempt is punished by courts of record. The remedy prescribed in this section does not bar or affect any other remedy prescribed in this part, but is cumulative and in addition thereto.

C – MONITORING

4. OSB will make entries into the Compliance Orders form immediately after a decision and/or resolution requiring compliance is signed by the Commission per Appendix A for decisions and Appendix B for resolutions. A copy of the updated Compliance Order form will then be forwarded to the appropriate Unit Head with the new entries underlined. Compliance monitoring will be initiated by the appropriate Unit Head in whose area the new compliance entry or entries fall.
5. At the same time, OSB makes the new entries into the Compliance Orders form it will also create a mail merge letter to the utility or utilities required to comply with the newly entered orders instructing them as to how to properly report compliance to the Commission. This letter will be in a format as shown in Appendix C.
6. The monitoring of utility compliance activities will proceed as follows:
 - a. By the 25th of each month, each unit will report the status of pending compliance in their area by submitting a copy or copies of the Compliance Orders form or forms (Appendix D) with updated information regarding staff action, comments and overall status.
 - b. If a utility has not complied with a Commission order within 10 days prior to a compliance due date, the appropriate unit will send to the utility a written reminder of the specific compliance deadline. The suggested format of this letter is shown in Appendix D. Before sending a letter, check with OSB to ensure that compliance has not been received by the Commission.
 - c. If the due date passes and still compliance has not been received by the Commission, the appropriate unit will send a second written notice requesting a response within 10 days (see Appendix E as a suggested format).
 - d. If response to the second letter is not received with 20 days, the appropriate unit head will prepare a third letter informing the utility that legal action may be taken if response is not received (see Appendix F). At this point, Branch and Legal Division will have to decide whether it is feasible to proceed further (order to show cause, contempt, etc.) or not.

7. When compliance involves work on the water system, i.e., tank repair, pipe installation, etc., compliance is not complete until required work has been verified by the Unit. Verification may include a field inspection, written confirmation, etc., depending on the nature and scope of the improvement.
8. If the utility requires additional time to comply with a formal Commission Decision, it must request an extension, by letter or e-mail, three or more days prior to the due date in the order. The request will be addressed to the Executive Director with an information copy to the Water Division, which will evaluate the request and, if appropriate, prepare a letter for the Executive Director's approval postponing compliance (see Appendix H).
9. If staff refuses to prepare the letter for the Executive Director as described above, the utility may petition to modify the decision or resolution as provided in General Order 96-B, paragraph 7.8.
10. If the utility cannot comply with an ordering paragraph in a resolution, it shall file an advice letter, not less than 30 days prior to the effective date of the ordering paragraph, that requests a resolution modifying the order.

D – NOTIFICATION TO FORMAL FILE

11. After compliance has been satisfactorily completed and verified by a unit, OSB will notify the utility in writing of the compliance. The notification will be in a format as shown in Appendix G.

To locate a Decision on the web, follow these instructions.

Go to CPUC web site [www.cpuc.ca.gov].

At the top of the CPUC web page open up “Decisions, Resolutions, & Rulings”

In DETAILED SEARCH --- SELECT:

Document Type: Final Decision

Industry: Water/Sewer

Meeting Date: 07/20/00 [for example]

HIT: Search

Next page shows the Decisions voted out of the specified Commission meeting.

Open up each one, go to OPs and do the following:

Open access database program and hit far left button in upper right corner [_] to place Access program on taskbar.

1. Now you are at the web page as instructed above.
2. Locate OP items.
3. Locate relevant Ordering Paragraphs and capture 1 OP with mouse.
4. With mouse over captured OP, push down right button on mouse and click on copy from menu.
5. From taskbar open up Access database with new record open.
6. Place cursor in OP field by clicking with the left button.
7. Now click right button and click on paste.
8. When there is more than one pertinent OP in a particular Decision click the DUPLICATE button in the database program and repeat.

REPEAT PROCESS FOR EACH DECISION UNTIL FINISHED.

To locate a Resolution on the web, follow these instructions.

At the top of the CPUC web page [www.cpuc.ca.gov] open up “Decisions, Resolutions, Rulings”

In DETAILED SEARCH --- SELECT:

Document Type: Final Resolution
Industry: Water/Sewer
Meeting 07/20/00 [for example]
HIT: Search

Next page shows the Resolutions voted out of the specified Commission meeting. Open up each one, go to OPs and do the following:

OPEN ACCESS DATABASE PROGRAM and hit far left button in upper right corner [_] to place Access program on taskbar.

1. Now you are at the web page AS INSTRUCTED ABOVE.
2. Locate OP items.
3. Locate relevant Ordering Paragraphs and capture 1 OP with mouse.
4. With mouse over captured OP, push down right button on mouse and click on copy from menu.
5. From taskbar open up Access database with new record open.
6. Place cursor in OP field by clicking with the left button.
7. Now click right button and click on paste.
8. When there is more than one pertinent OP in a particular Resolution click the DUPLICATE button in the database program and repeat.

REPEAT PROCESS FOR EACH RESOLUTION UNTIL FINISHED.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 29, 2013

«Contact_Name»
«Contact_Title»
«Company»
«Address»
«City», «State» «Zip»

Dear «Salutation»:

Resolution No. «Resolution» became effective on «Date_Order_is_Effective». According to ordering paragraph(s) «Ordering_Paragraph» in the Resolution, «Company» was ordered to complete the following: “«Compliance_Required»”

The compliance items ordered in Resolution «Resolution» must be complied with in writing on a timely basis by either submitting what was asked for or indicating in a written letter that certain compliance work has been done.

The submittals described above should be sent to:

California Public Utilities Commission
Water Advisory Branch
505 Van Ness Avenue
San Francisco, CA 94102
Attention: San Francisco Operations Section

In the submittals refer to Resolution No. «Resolution» and ordering paragraph(s) «Ordering_Paragraph» directing the compliance. The San Francisco Operations Section of the Water Advisory Branch will inform you as to the completeness of your compliance action(s).

If you have any questions on this matter, please call Mr. Hugo Luke at (415) 703-2571.

Sincerely,

FRED L. CURRY, Chief
Water Advisory Branch
Water Division

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 29, 2013

«Contact_Name»
«Contact_Title»
«Company»
«Address»
«City», «State» «Zip»

Dear «Salutation»:

Decision No. «Decision» became effective on «Date_Order_is_Effective». According to ordering paragraph(s) «Ordering_Paragraph» in the Decision, «Company» was ordered to complete the following: “«Compliance_Required»”

The compliance items ordered in Decision «Decision» must be complied with in writing on a timely basis by either submitting what was asked for or indicating in a written letter that certain compliance work has been done.

The submittals described above should be sent to:

California Public Utilities Commission
Water Advisory Branch
505 Van Ness Avenue
San Francisco, CA 94102
Attention: San Francisco Operations Section

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If you have any questions on this matter, please call Mr. Hugo Luke at (415) 703-2571.

Sincerely,

FRED L. CURRY, Chief
Water Advisory Branch
Water Division

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 29, 2013

«Contact_Name»
«Contact_Title»
«Company»
«Address»
«City», «State» «Zip»

Dear «Salutation»:

Please refer to Decision No. «Decision» dated «Date_Order_is_Effective».

This is a reminder that Ordering Paragraph «Ordering_Paragraph» in Decision No. «Decision» requires the following: «Compliance_Required».

Completion of this order was due on «Date_Required».

If you have any questions please call «Assigned_to» at «Phone_Number».

Sincerely,

FRED L. CURRY, Chief
Water Advisory Branch
Water Division

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 29, 2013

«Contact_Name»
«Contact_Title»
«Company»
«Address»
«City», «State» «Zip»

Dear «Salutation»:

Please refer to Resolution No. «Resolution» dated «Date_Order_is_Effective».

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Completion of this order was due on «Date_Required».

If you have any questions please call «Assigned_to» at «Phone_Number».

Sincerely,

FRED L. CURRY, Chief
Water Advisory Branch
Water Division

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 29, 2013

«Contact_Name», «Contact_Title»
«Company»
«Address»
«City», «State» «Zip»

Dear «Salutation»:

Please refer to Resolution No. «Resolution» dated «Date_Order_is_Effective».

Our records indicate you have not yet complied or advised us of compliance with Ordering Paragraph No. «Ordering_Paragraph» of Resolution No.«Resolution». Ordering Paragraph «Ordering_Paragraph» states the following. «Compliance_Required» Please forward your response to this matter within 10 days of receipt of the letter.

California Public Utilities Commission
Water Advisory Branch
505 Van Ness Avenue
San Francisco, CA 94102
Attention: San Francisco Operations Section

Please contact «Assigned_to» at «Phone_Number» if you have any questions.

Sincerely,

FRED L. CURRY, Chief
Water Advisory Branch
Water Division

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 29, 2013

«Contact_Name», «Contact_Title»
«Company»
«Address»
«City», «State» «Zip»

Dear «Salutation»:

Please refer to Decision No. «Decision» dated «Date_Order_is_Effective».

Our records indicate you have not yet complied or advised us of compliance with Ordering Paragraph No. «Ordering_Paragraph» of Decision No.«Decision». Ordering Paragraph «Ordering_Paragraph» states the following. «Compliance_Required» Please forward your response to this matter within 10 days of receipt of the letter.

California Public Utilities Commission
Water Advisory Branch
505 Van Ness Avenue
San Francisco, CA 94102
Attention: San Francisco Operations Section

Please contact «Assigned_to» at «Phone_Number» if you have any questions.

Sincerely,

FRED L. CURRY, Branch Chief
Water Advisory Branch
Water Division

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 29, 2013

«Contact_Name», «Contact_Title»
«Company»
«Address»
«City», «State» «Zip»

Dear «Salutation»:

Please refer to Decision/Resolution No. «Decision_or_Resolution» Dated «Date_Order_is_Effective».

Our records indicate as of Friday, March 29, 2013, we have not received any compliance information from you in response to Ordering Paragraph No. «Ordering_Paragraph» of Decision/Resolution No. «Decision_or_Resolution». Ordering Paragraph «Ordering_Paragraph» states the following. «Compliance_Required» Furthermore, we have not received any response to our letter of _____.

You are hereby put on notice if you do not respond to this compliance matter, it will be referred to our legal division for legal action against «Company». However, if you feel that you cannot comply with Ordering Paragraph No. «Ordering_Paragraph» in any way, you are advised to petition the Commission to amend the Decision/Resolution accordingly. Please respond to the following address:

California Public Utilities Commission
Water Advisory Branch
505 Van Ness Avenue
San Francisco, CA 94102
Attention: San Francisco Operations Section

Please contact «Assigned_to» at «Phone_Number» if you have any questions.

Sincerely,

FRED L. CURRY, Chief
Water Advisory Branch
Water Division

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 29, 2013

«Contact_Name»
«Contact_Title»
«Company»
«Address»
«City» «State» «Zip»

Dear «Salutation»:

Please refer to Decision No.«Decision» dated «Date_Order_is_Effective» and based on Case «Application_Number».

This is to acknowledge receipt of information as ordered by Ordering Paragraph «Ordering_Paragraph» of Decision No. «Decision» which states the following:
«Compliance_Required» The Water Advisory Branch has reviewed your submittal and finds it is complete, meeting the compliance requirements set forth in Ordering Paragraph «Ordering_Paragraph» of Decision No. «Decision».

Please contact «Assigned_to» at «Phone_Number» if you have any questions.

Sincerely,

FRED L. CURRY, Chief
Water Advisory Branch
Water Division

cc: Docket Office (if compliance ordered by Decision)

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 29, 2013

«Contact_Name»
«Contact_Title»
«Company»
«Address»
«City», «State» «Zip»

Dear «Contact_Name»

Please refer to Resolution No.«Resolution» Dated «Date_Order_is_Effective» and based on Case «Application_Number».

This is to acknowledge receipt of information as ordered by Ordering Paragraph «Ordering_Paragraph» of Resolution No. «Resolution» which states the following: «Compliance_Required». The Water Advisory Branch has reviewed your submittal and finds it is complete, meeting the compliance requirements set forth in Ordering Paragraph «Ordering_Paragraph» of Resolution No.«Resolution».

Please contact «Assigned_to» at «Phone_Number» if you have any questions.

Sincerely,

FRED L. CURRY, Chief
Water Advisory Branch
Water Division

cc: Docket Office (if compliance ordered by Decision)

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



June 29, 2001

Robert B. Any
Any Water Company
1427 Broadway, Suite 100
ANY CA 95926

Dear Mr. Any:

As requested by your letter of June 2, 2001, the length of time during which Other Water Company is authorized to sell and Any Water Company is authorized to buy Other's water system, as authorized in Decision D.00-01-001, is hereby extended an additional 6 months from the June 30, 2001 completion date in Ordering Paragraph 1. The sale should be consummated prior to December 30, 2001.

All other requirements of the decision continue to apply.

Very truly yours,

Inez Charge, Executive Director

Cc: Other Water Company
Water Advisory Branch, Water Division