

Decision \_\_\_\_\_

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

Gary Beaudrie,

Complainant,

vs.

Ramona Water Company (U380W),

Defendant.

(ECP)  
Case 13-04-016  
(Filed April 25, 2013)

Gary Beaudrie, for himself, Complainant.

Louis DeMartino, for Ramona Water Company, Defendant.

**DECISION DENYING RELIEF, IN PART, AND  
APPROVING SETTLEMENT OFFER**

**1. Summary**

Gary Beaudrie (Complainant) contends that Ramona Water Company (Defendant) has engaged in a number of wrongful actions causing him to incur a variety of unnecessary and/or unwarranted charges and costs exceeding \$3,100.00 for his water service. In addition, Mr. Beaudrie contends that Ramona Water Company’s water lines contain sand and that the water has an unsafe level of nitrites. He also contends that the company conducts business improperly with no defined place of business or direct phone lines. The Defendant denies all of Mr. Beaudrie’s claims and asserts that Complainant has a history of late payments and currently has a past due balance on his account.

The evidence presented during this proceeding was unclear, conflicting and contradictory. We will require that Complainant's water service remain on and that he not be charged for any water usage from and including May 1, 2013 through and including December 31, 2013. Commencing on January 1, 2014, Complainant will be billed at metered rate in compliance with the applicable Commission approved tariffs. If there is no metered rate, Complainant will pay a flat rate not to exceed \$28.00 per month. It is also requested that the Commission's Water Division conduct an inquiry into the Defendant's business practices as well as their compliance with Commission laws, rules and tariffs. All other claims for relief are denied and the case is closed.

## **2. Procedural History**

Mr. Beaudrie resides in Anza, California which is located between Temecula and Palm Desert. Ramona Water Company is also based in Anza. The hearing in this matter was held on June 18, 2013 in Palm Desert.

## **3. Complainant's Contention**

In his complaint and at the hearing Mr. Beaudrie contended that the Defendant was not charging him the required "metered rate" for his water usage but was instead charging him a "flat rate" of \$61.00 per month. Mr. Beaudrie contends that his water usage under a metered rate would be less than \$28.00 per month. In addition Complainant asserts that the Defendant has billed him over \$1,800.00 in overcharges; \$445.00 for the unwarranted moving of water lines and \$600.00 for water that was never delivered. Finally Complainant claims that he has incurred costs of \$195.00<sup>1</sup> to replace his water pump that was damaged by

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<sup>1</sup> It should be noted that the Commission lacks the authority to reimburse customers for damages to property caused by a Utility.

impurities in the Defendant's water, including sand and nitrites. In total Mr. Beaudrie claims that the Defendant owes him over \$3,100.00 in charges, costs and damages.

#### **4. Defendant's Contention**

Louis DeMartino, on behalf of the Defendant, asserts that the Complainant has been properly billed and denies that the Complainant has been overcharged or has incurred any maintenance costs due to poor water quality. Mr. DeMartino claims that the Defendant does not have any "metered" rates and that due to drought conditions the company has been forced to ration water supplies. Defendant denies that it owes Complainant any money and instead asserts that Complainant's water bill is past due. Defendant has offered not to charge the Complainant for water for the remainder of 2013 and commencing in 2014 charge the Complainant a flat rate of \$28.00 per month.

#### **5. Discussion**

The evidence presented at the hearing by both parties was contradictory and incomplete. It was difficult to ascertain and/or verify the exact costs, charges and damages claimed by the Complainant. The Defendant was unable to establish whether or not it had metered rates and/or the exact amount of its flat rate. Both parties indicated that they had spoken to staff at the Commission's Water Division and argued that the staff agreed with their respective positions.

The Complainant has not presented enough evidence to support his claims for monetary relief exceeding \$3,100.00. His claim will be denied. However, Mr. Beaudrie has raised important issues as to business operations of the Defendant and the quality of its water. It appears that the Defendant may not be fully familiar with its own tariff and the obligations that arise from it. We have concern that, given this, the Defendant is not offering its customers service in

accordance with its own tariff. Defendant's tariff on file with the Commission provides for (1) a Flat rate of \$61.10 per month and (2) a Metered Rate of \$28.90 per month plus a Quantity charge of \$3.38 per cubic square foot. It is recommended that the Commission's Water Division conduct an inquiry into the operations of the Defendant in order to ascertain if the Ramona Water Company is operating in compliance with Commission laws, rules and procedures.

Mr. Beaudrie will not be charged for any water usage for the remainder of 2013 retroactive to May 1. Any payments he has made for service on or after that date will be refunded and any charges on or after that date will be removed from his bill. Commencing on January 1, 2014, Complainant will be billed at metered rate in compliance with the applicable Commission approved tariffs. If there is no metered rate Complainant will pay a flat rate not to exceed \$28.00 per month until the Defendant starts applying the currently applicable metered rate or the Commission's Water Division recommends another tariff. The Complainant's request for relief is denied in part and the case is closed.

## **6. Assignment of Proceeding**

Catherine J.K. Sandoval is the assigned Commissioner and W. Anthony Colbert is the assigned Administrative Law Judge in this proceeding.

## **O R D E R**

**IT IS ORDERED** that:

1. Gary Beaudrie's request for relief is denied in part.
2. Gary Beaudrie will not be charged for any water usage for the remainder of 2013 retroactive to May 1, 2013.

3. Commencing on January 1, 2014 Gary Beaudrie's water service will be billed at metered rate in compliance with the applicable Commission approved tariffs. If Defendant cannot apply the metered rate Complainant will pay a flat rate not to exceed \$28.00 per month.

4. The Commission's Water Division will conduct an inquiry into the operations of the Defendant in order to ascertain if the Ramona Water Company is operating in compliance with Commission laws, rules and procedures.

5. Case 13-04-016 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.