

Decision \_\_\_\_\_

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

Brian Weber,

Complainant,

vs.

Valencia Water Company (U342W),

Defendant.

Case 13-02-014  
(Filed February 22, 2013)**ORDER EXTENDING STATUTORY DEADLINE****Summary**

This decision extends the statutory deadline in this proceeding to May 22, 2014.

**Background**

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases, such as this one, shall be resolved within 12 months of initiation unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline for resolving the complaint was February 22, 2014. The presiding officer's decision was issued on January 27, 2014. On February 14, 2014, an Appeal to the presiding officer's decision was filed. Therefore, this order extends the time for completion of this proceeding until May 22, 2014, to allow time to address the appeal and prepare a modified presiding officer's decision for Commission consideration.

This case arises from a dispute of Brian Weber (Complainant) against Valencia Water Company (Valencia Water), seeking relief pursuant to Commission Rules of Practice and Procedure Rule 4.1(b) from unreasonable rates. Complainant requests that he be exempt from the tariff adopted in Decision 10-12-029 known as Schedule No. 1-R, Section 3 (Tariff). The Tariff has a provision that adjusts the rates charged for water based not just on volume but also on the efficiency of water usage.

Complainant filed this complaint on February 22, 2013, and Defendant, Valencia Water, answered in due course. An evidentiary hearing was conducted by telephone and the presiding officer's decision was issued on January 27, 2014. On February 14, 2014, an Appeal to the presiding officer's decision was filed and due to this development, a modified presiding officer's decision needs to be prepared to address the Appeal and be placed on a Commission Business Agenda for Commission consideration. Therefore, an extension of time until May 22, 2014, is necessary for resolution of this matter.

### **Waiver of Comment Period**

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 12-month deadline set forth in Pub. Util. Code § 1701.2(d). Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

### **Assignment of Proceeding**

Catherine J.K. Sandoval is the assigned Commissioner and Douglas Long is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. The 12-month deadline for resolving this complaint was February 22, 2014.

2. The presiding officer's decision was issued on January 27, 2014 and an Appeal to the presiding officer's decision was filed on February 14, 2014.

3. A modified presiding officer's decision needs to be prepared to address the Appeal.

**Conclusions of Law**

1. It is appropriate to extend the 12-month deadline set forth in Pub. Util. Code § 1701.2(d) and waive the 30-day period for review and comment of this order for the reasons set forth in the Findings of Fact.

2. The deadline should be extended until May 22, 2014.

**IT IS ORDERED** that:

1. The time for completion of this proceeding is extended until May 22, 2014.

2. The 30-day period for review and comment on this order is waived.

This order is effective today.

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