Decision **PROPOSED DECISION OF ALJ CLARK** (Mailed 2/21/14)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Sharif Plaza of Sacramento, LLC, Complainant, vs. California American Water Company (U210W), Defendant.	Case 13-08-019 (Filed August 22, 2013)

DECISION DENYING RELIEF

Summary

Complainant, Sharif Plaza of Sacramento, LLC, requests that the California Public Utilities Commission (Commission) consider "the reasonableness of the water rates for fire protection" of Defendant, California American Water Company and asks that the Defendant's rates be set at rates that are "in line with surrounding water company rates." The Complainant's request for relief is denied, the case is dismissed pursuant to Public Utilities Code Section 1702 and Rule 4.1(b) of the Commission's Rules of Practice and Procedure because the complaint does not state a claim for which the relief can be granted. The sum of $370.02 held in the impound account established for this proceeding is disbursed to the Defendant.

Complainant's Contention

Complainant, Sharif Plaza of Sacramento, LLC (Sharif Plaza) is a small strip mall located in Sacramento California. Sharif Plaza is the only signatory to the complaint. Complainant contends that the Defendants, California American Water Company (Cal-Am) rates for fire protection are significantly higher than the rates charged for the same fire protection service provided for the San Juan Water District, the Citrus Heights Water District and the Carmichael Water District, each of which is a local water company located within Sacramento County.

Defendant's Contention

Defendant asserts that the Complaint does not state a claim for which relief can be granted because the rates Cal-Am charges for fire sprinkler lines have been reviewed and specifically approved by the California Public Utilities Commission (Commission) in Decision (D.) 12-06-016 adopting the 2011, 2012, 2013, and 2014 revenue requirement for Cal-Am, issued June 14, 2012.

Discussion

Public Utilities Section Code 1702 and our Rule 4.1 (b) both state that:

> No complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, or telephone corporation, unless it is signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city or city and county within which the alleged violation occurred, or by not less than 25 actual or prospective consumers or purchasers of such gas, electricity, water, or telephone service.

As the only signatory to the complaint, the Complainant has made no claim that may be considered by this Commission. We note that Defendant's

current rates were only recently established, and therefore elect not to review the rates again upon our own motion.

Proceeding Category and Need for Hearings

The Instruction to Answer filed on September 5, 2013, categorized this complaint as adjudicatory as defined in Rule 1.3(a) and anticipated that this proceeding would require evidentiary hearings. The Complainant has not stated a claim that can be granted by this Commission and, as a consequence, the evidentiary hearings determination is changed to state that no evidentiary hearings are necessary.

Comments on Proposed Decision

The proposed decision of Administrative Law Judge (ALJ) Clark in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure: No comments were filed.

Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and Richard W. Clark is the assigned ALJ in this proceeding.

Findings of Fact

1. Complainant, Sharif Plaza is a small strip mall located in Sacramento California. Sharif Plaza is the only signatory to the complaint.
2. The rates Cal-Am charges for fire sprinkler lines have been reviewed and specifically approved by the Commission in D.12-06-016 adopting the 2011, 2012, 2013, and 2014 revenue requirement for Cal-Am, issued June 14, 2012.

Conclusions of Law

1. Public Utilities Code Section 1702 and Rule 4.1(b) of the Commission's Rules of Practice and Procedure require that the complaint be dismissed because it does not state a claim for which relief can be granted.

2. Funds held in the impound account established for this proceeding should be disbursed to the Defendant.

O R D E R

IT IS ORDERED that:

1. The Complaint of *Sharif Plaza of Sacramento, LLC vs. California American Water Company* is denied.
2. The sum of $370.02 held in the impound account established for this proceeding shall be disbursed to the Defendant.
3. The hearing determination is changed to no hearings necessary.
4. Case 13-08-019 is closed.

This order is effective today.

Dated _____, at San Francisco, California.