

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Louis Rocha,

Complainant,

vs.

Little Bear Water Company (U214W),

Defendant.

(ECP)

Case 14-01-021

(Filed January 22, 2014)

DECISION DISMISSING COMPLAINT WITH PREJUDICE**Summary**

The complaint is dismissed with prejudice for failure to state a claim on which relief may be granted.

Background

Louis Rocha (Complainant), requested Little Bear Water Company (U214W), (Defendant) to connect his home under construction in King City to Defendant's water distribution system at no cost to Complainant. Defendant denied the request, citing provisions of its tariff granting it the authority to charge for new connections. Complainant asserted that, notwithstanding the tariff provisions, a pre-existing utility easement gave him the legal right to connect to the water company's distribution system at no cost. The assigned Administrative Law Judge (ALJ) scheduled an evidentiary hearing in King City at 11:00 a.m. on March 20, 2014, and provided notice of the hearing to the parties

in compliance with Public Utilities Code § 1704 and Rule 13.1(a) of the Commission's Rules of Practice and Procedure. Defendant's representative appeared at the hearing. Complainant failed to appear.

Discussion

Complainant has the burden of proving that he is entitled to connect to Defendant's water distribution system at no cost. Although Complainant alleged the existence of a utility easement granting him the right to connect at no cost, he did not produce the easement prior to the hearing, nor did he appear at the hearing. Accordingly, he failed to state a claim on which relief may be granted and the complaint should be dismissed.

Assignment of Proceeding

Michael Picker is the assigned Commissioner and Karl J. Bemederfer is the assigned ALJ in this proceeding.

Findings of Fact

1. Complainant failed to produce evidence supporting his claim of a right to interconnect with Defendant's water distribution system at no cost.
2. Complainant failed to appear at the evidentiary hearing.

Conclusions of Law

1. Complainant has failed to prove that he has the right to connect to Defendant's water distribution system at no cost.
2. In view of Complainant's failure to appear at the evidentiary hearing, the complaint should be dismissed with prejudice.
3. This proceeding should be closed, effective immediately.

O R D E R

IT IS ORDERED that:

1. The complaint of Louis Rocha is dismissed with prejudice.
2. Case 14-01-021 is closed.

This order is effective today.

Dated _____, at Los Angeles, California.