

Decision \_\_\_\_\_

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

John P. Ferrari, as Co-Trustee of the  
John P. Ferrari and Jeani Ferrari Family Trust  
Dated June 24, 1982,

Complainant,

vs.

Meadowbrook Water Company of Merced, Inc.  
(U204W),

Defendant.

Case 14-02-005  
(Filed February 25, 2014)

**DECISION GRANTING JOINT MOTION AND DISMISSING COMPLAINT**

**Summary**

We grant the joint motion of John P. Ferrari, as co-trustee of the John P. Ferrari and Jeani Ferrari Family Trust, Meadowbrook Water Company of Merced, and the City of Atwater (Parties) to dismiss this complaint.

**1. Background**

This complaint proceeding was initiated by Complainant John P. Ferrari (Ferrari) against Defendant Meadowbrook Water (Meadowbrook Water) on February 25, 2014 (Case 14-02-005) and involves a dispute over the boundaries of Meadowbrook Water Company’s service territory in Merced County, California. At the prehearing conference in this case on June 24, 2014, the City of Atwater (Atwater) appeared through counsel and requested party status, which request

was granted by the then-presiding Administrative Law Judge (ALJ). Ferrari, Meadowbrook Water, and Atwater are all of the formal parties to this proceeding.

On January 20, 2015, the Parties filed their "*Joint Motion of John P. Ferrari, Meadowbrook Water Co. of Merced, Inc., and the City of Atwater for an Extension of Time of the Twelve-Month Statutory Deadline for Resolving Complaint Cases*" ("Joint Motion for Extension of Time"). The Joint Motion for Extension of Time stated that the extension of time was necessary in order to allow the Parties to settle the complaint. The Parties informed the Commission that in November 2014:

. . . the Parties reached a settlement and executed a settlement agreement. The settlement agreement settles the disputes among the Parties regarding Meadowbrook Water's service territory. It also provides that the Complaint shall be withdrawn, but such withdrawal is contingent upon the approval by the Commission of a new Meadowbrook Water advice letter defining a new service territory.

Meadowbrook Water filed its Advice Letter 56 on May 6, 2015, seeking a revised service territory consistent with the settlement agreement among the Parties. Immediately after the Meadowbrook Water Advice Letter was filed on May 6, the assigned Administrative Law Judge issued an e-mail ruling directing that, if the Commission approves the Meadowbrook Advice Letter, the Parties shall make a joint filing to indicate that the matter has been resolved and to request appropriate disposition of Case 14-02-005. Meadowbrook Water's Advice Letter 56 was approved by the Division of Water and Audits on June 5, 2015, effective June 4, 2015. The Parties subsequently filed a Joint Motion of the Parties for Dismissal of the Complaint.

**2. Discussion**

The joint motion reports that the Parties have resolved all of their differences and that pursuant to this resolution, which they have memorialized in a private settlement agreement, they have agreed that the Commission should dismiss this complaint proceeding with prejudice. With the approval of the Meadowbrook Water Advice Letter, all of the contingencies necessary to the completion of the settlement agreement among the Parties have been achieved. Here, where all parties have reached a settlement that resolves the issues raised in the complaint, no public policy would be served by denying the request.

**3. Waiver of Comment Period**

This is now an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

**4. Assignment of Proceeding**

Catherine J.K. Sandoval is the assigned Commissioner and Gerald F. Kelly is the assigned ALJ in this proceeding.

**Findings of Fact**

1. John P. Ferrari, Meadowbrook Water Company of Merced, and the City of Atwater have resolved all of their differences and have memorialized this resolution in a private settlement agreement.
2. They have jointly agreed that the complaint in this proceeding should be dismissed with prejudice.
3. No public policy would be served by denying the joint motion for dismissal of this complaint.

**Conclusions of Law**

1. The joint motion should be granted and the complaint should be dismissed, with prejudice.
2. This decision should be effective immediately.

**O R D E R**

**IT IS ORDERED** that:

1. The Joint Motion of the Parties for Dismissal of the Complaint filed on June 26, 2015, by John P. Ferrari, Meadowbrook Water Company of Merced, and the City of Atwater, is granted.
2. The complaint filed by John P. Ferrari on February 25, 2014 is dismissed with prejudice.
3. Case 14-02-005 is closed.

This order is effective today.

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