

Decision **PROPOSED DECISION OF ALJ FARRAR** (Mailed 10/30/2015)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Cleophas Dunlap,

Complainant,

vs.

Park Water Company (U314W),

Defendant.

Case 15-01-013
(Filed January 28, 2015)

PROPOSED DECISION DISMISSING COMPLAINT

Summary

This decision dismisses the Complaint filed by Cleophas Dunlap against Park Water Company. Complainant has not shown a violation of any Commission rule or order. This proceeding is closed.

1. Background

Cleophas Dunlap (Complainant) is, and at all times relevant hereto has been, a residential customer of Park Water Company (Park). By formal Complaint filed January 28, 2015, Complainant alleges that the water bills he received from Park contain charges that are unlawful and unrelated to the provision of water service. In particular, Complainant asserts that “[t]he advice letter surcharge is unlawful as this has nothing to do with water.”¹ Park

¹ Complaint at 3.

responded to the Complaint on March 27, 2015, and at Complainant's request, hearings were held on July 16, 2015.²

2. Discussion

The sole issue presented in the Complaint is whether the charges on Complainant's bill were lawful and appropriate. In response to Complainant's allegations that it unlawfully added costs to customer bills, Park identifies the tariffs, Commission decisions, and Schedules that underlie the Late Fees, City taxes, Water Service Charge, and Public Utilities Commission Fees (respectively) that it charges. With respect to surcharges, Park notes the following:

- The Advice Letter 250-W surcharge was charged pursuant to Park's Commission approved Schedule No. PR-1-R, Residential Metered Service.
- The CARW surcharge was charged pursuant to Park's Commission approved Schedule No. CARW-SC, California Alternative Rates For Water.³
- The Advice Letter 238-A surcharge was charged pursuant to Park's Commission approved Schedule No. PR-1-R, Residential Metered Service.
- The Park Water Service Charge was charged pursuant to Park's Commission approved Schedule No. PR-1-R, Residential Metered Service.

In addition, at hearings Park representatives provided a clear and thorough explanation of what the above surcharges fund and the showing it is required to

² Complainant initially indicated that hearings were not needed.

³ This surcharge is applicable to all customers who are not enrolled in Park's low-income assistance program.

make before the Commission approves a surcharge. Complainant did not dispute Park's assertions.

Complainant next asserted that neither he nor the members of his community had been given notice that any of the surcharges or fee increases was being added to the water bill. In response to this assertion, Park explained that it is required to, and does, provide notice to customers (in the form of bill inserts, advertisements, and local postings) of any Commission proceeding where a fee increase will be considered. While Complainant countered that his community members should not be expected to read and understand such notices, he was either unable or unwilling to suggest an alternate approach he thought would more effectively inform and involve community members.

Finally, we note that in spite of alleging that numerous charges were excessive, Complainant was unwilling or unable to state what relief was sought. To the contrary, Complainant made clear that he did not seek reimbursement of any particular costs, or assistance reducing his monthly bill. And, in response to direct and repeated inquiries by the Administrative Law Judge (ALJ), other than the generalized statement that "something should be done," Complainant was unable or unwilling to identify what relief was sought.

3. Conclusion

In addition to having presented no facts to support contentions made in the Complaint and/or at hearings, in spite of numerous urgings by the ALJ, Complainant failed to identify what relief was sought. As Complainant has failed to both support the contentions made in the Complaint and identify the appropriate relief, the Complaint should be dismissed.

4. Comments on Proposed Decision

The Proposed Decision 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 by either party.

5. Assignment of Proceeding

Catherine J.K. Sandoval is the assigned Commissioner and Darwin E. Farrar is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Complainant does not dispute Park's explanation of what the surcharges at issue fund.
2. Complainant does not dispute Park's explanation of the showing it is required to make prior to Commission approval of new surcharges.
3. Park provided notice to customers of the Commission proceeding where it sought approval of the surcharges at issue in this proceeding.

Conclusions of Law

1. Park is required to provide notice to customers of any Commission proceeding where a fee increase will be considered.
2. The Commission approved Schedule No. PR-1-R, Residential Metered Service, which established Park's Advice Letter 250-W surcharge.
3. The Commission approved Schedule No. CARW-SC, California Alternative Rates For Water, which established Park's CARW surcharge.
4. The Commission approved Schedule No. PR-1-R, Residential Metered Service, which established Park's Advice Letter 238-A surcharge.

5. The Commission approved Schedule No. PR-1-R, Residential Metered Service, which established Park's Water Service Charge.
6. The Complaint should be dismissed.

O R D E R

IT IS ORDERED that:

1. Complaint 15-01-013 is dismissed.
2. This proceeding is closed.

This order is effective today.

Dated _____, 2015, at San Francisco, California.