

Decision 18-11-054 November 29, 2018

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of California Water Service Company (U60W) for a Certificate of Public Convenience and Necessity to Provide Water Service to Travis Air Force Base and to Establish Rates.

Application 17-05-022

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to March 1, 2019.

1. Background

On May 31, 2017, California Water Service Company (Cal Water) filed an Application, seeking a Certificate of Public Convenience and Necessity (CPCN) to provide potable water service to Travis Air Force Base (AFB) and to establish rates for this service under the Commission's jurisdiction.

The application was protested by the Office of Ratepayer Advocates (ORA), now the California Public Advocate's Office (Cal Advocates)¹ A

¹ Senate Bill 854 (Stats. 2018, Ch. 51) amended Pub. Util. Code Section 309.5(a) so that the Office of Ratepayer Advocates is now named the Public Advocate's Office of the Public Utilities Commission. We will refer to this party as Cal Advocates.

prehearing conference was held on September 5, 2017 and a scoping memo issued September 19, 2017. An evidentiary hearing was held November 20, 2017.

Concurrent opening briefs and reply briefs were filed on December 7, 2017 and December 22, 2017, respectively.

On December 26, 2017, Cal Advocates filed a motion for evidentiary sanctions against Cal Water, to which Cal Water responded on January 10, 2018, and Cal Advocates replied on January 23, 2018.

On February 9, 2018, Cal Water filed a motion for additional evidentiary hearing, if necessary. On February 26, 2018, Cal Advocates filed a response, opposing the motion. On May 3, 2018, an Administrative Law Judge (ALJ) ruling was issued denying the motion for additional evidentiary hearing. As of May 3, 2018, the case was submitted.

On July 13, 2018, the proposed decision of the ALJ was issued for comment and it first appeared on the August 23, 2018 Commission meeting agenda.

2. Statutory Deadline and Discussion

Public Utilities Code (Pub. Util. Code) Section 1701.5 provides that the Commission shall resolve the issues raised in the scoping memo of a ratesetting proceeding, within 18 months of the date the proceeding is initiated, unless the Commission makes a written determination that the deadline cannot be met, and issues an order extending the deadline. In this proceeding, the 18-month deadline for resolving the case is November 30, 2018.

After the proposed decision first appeared on the August 23, 2018 Commission meeting agenda, the item has been subsequently held for preparation of an alternate decision, which has now been issued for comment. The alternate decision was issued on November 9, 2018.

The alternate decision is required, according to Pub. Util. Code § 311(g), to circulate for 30 days of public comment prior to consideration on a Commission agenda. In order to allow time for the Commission to consider the alternate decision, the deadline for this proceeding must be extended.

3. Waiver of Comment Period

Under Rule 14.6(c)(4), the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 18-month deadline set forth in § 1701.5. Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

4. Assignment of Proceeding

Carla J. Peterman is the assigned Commissioner and Julie A. Fitch is the assigned ALJ in this proceeding.

Findings of Fact

1. The proceeding was initiated (Application filed) on May 31, 2017.
2. The 18-month deadline for the resolution of this proceeding is November 30, 2018.
3. This proceeding cannot be resolved by November 30, 2018, within 18 months of initiation, as required by § 1701.5.
4. Additional time is needed to allow the Commission to consider an alternate proposed decision.
5. A three-month extension of time until March 1, 2019 is needed.

Conclusions of Law

1. It is not possible to resolve this case within the 18-month period as provided for in § 1701.5.

2. The 18-month statutory deadline should be extended for three months and until March 1, 2019, in order to allow for resolution of this proceeding.

3. This order should be made effective immediately.

IT IS ORDERED that the 18-month statutory deadline in this proceeding is extended to March 1, 2019.

This order is effective today.

Dated November 29, 2018, at San Francisco, California.

MICHAEL PICKER

President

CARLA J. PETERMAN

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

Commissioners