

Decision \_\_\_\_\_

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

Order Instituting Investigation on the Commission's Own Motion into the Long Term Debt Financing practices of Lake Alpine Water Company (U148WTD); and Order to Show Cause Why the Commission Should not Impose Penalties and/or Other Remedies for Violations of Public Utilities Code Sections 818, 823(b) and 823(d).

Investigation 17-09-021

**ORDER EXTENDING STATUTORY DEADLINE****Summary**

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

**1. Background**

Public Utilities Code Section 1701.2(i) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the California Public Utilities Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. This matter has been categorized as adjudicatory, and the deadline for resolving this proceeding was September 29, 2018. The Commission has previously extended the statutory deadline of this proceeding. The most recent Decision (D.) 18-09-051 extended the statutory deadline to March 1, 2019.

On September 29, 2018, the Commission instituted this investigation to determine whether the named respondent, Lake Alpine Water Company (Lake Alpine), violated any provisions of the California Public Utilities Code, Commission General Orders, Decisions, or Rules of Practice and Procedure, or other applicable laws or requirements pertaining to its long-term debt financing practices.

A Prehearing Conference (PHC) was held on November 15, 2017. During the PHC, parties explained they had initiated settlement discussions, and anticipated filing a motion for Commission consideration of adoption of settlement shortly after the PHC.<sup>1</sup> On November 17, 2017, the parties filed a Joint Motion for Approval of Settlement Agreement. On February 7, 2018, the joint motion was formally accepted by the Commission's Docket Office on February 7, 2018.

Given the time it has taken the Parties to settle the disputed issues of material fact, in addition to the complex settlement agreement, an extension of the instant investigation is prudent. An extension of the statutory deadline in Investigation (I.) 17-09-021 to June 1, 2019 ensures there is ample time to accurately review the complex settlement agreement and process a presiding officer's decision on this investigation.

## **2. Waiver of Comment Period**

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment on proposed decisions extending the deadline for resolving

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<sup>1</sup> PHC Transcript at 7 to 10.

adjudicatory proceedings. Accordingly, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

### **3. Assignment of Proceeding**

Michael Picker is the assigned Commissioner, and Regina DeAngelis and Sasha Goldberg are the assigned Administrative Law Judges in this proceeding.

### **Findings of Fact**

1. The current deadline for resolving this investigation is March 1, 2019.
2. On November 15, 2017, a PHC was held in the instant proceeding.
3. On November 17, 2017, parties filed a joint motion for Commission consideration of a settlement on the issues raised in I.17-09-021.
4. On February 7, 2018, the joint motion for Commission consideration of a settlement was formally accepted by the Commission's Docket Office.

### **Conclusions of Law**

1. Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.2(i), the statutory deadline for resolving this proceeding should be extended until June 1, 2019.
2. This Order should be effective immediately.

**IT IS ORDERED** that the time for completion of this proceeding is extended until June 1, 2019.

This Order is effective today.

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