

Decision 12-04-037 April 19, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joan E. Richardson, Steve Pegram, Carl J. Meir,
Kathleen Thayer, Tracey Raybon, John L. Barnes,
Donald H. Dawson, Patricia O. King, Jerry Amiss,
James H. Pelley, Dorothy Reed, James Vitale, and
others similarly situated,

Complainants,

vs.

Phillip and Linda Shuey, doing business as Shell
Canyon Water Company, an unregulated water
company,

Defendants.

Case 08-03-018
(Filed March 24, 2008)

ORDER EXTENDING STATUTORY DEADLINE

Summary

Pub. Util. Code § 1701.2(d) provides that adjudication cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 12-month deadline was April 20, 2012.

A final decision in this complaint case is not expected until early 2013. There have been numerous continuances at the request of the parties to explore the possibility of settlement. Settlement discussions proved fruitless and a hearing was scheduled and removed from the calendar at parties' request. To

prevent shut off of water service, the assigned Administrative Law Judge (ALJ) issued a Ruling on November 9, 2010, releasing \$446.48 from the impounded funds and disbursing the money to Phillip Shuey, owner of Shell Canyon Water Company. On November 10, 2011, Decision (D.) 11-11-013 further extended the statutory deadline to April 20, 2012. Therefore, additional time to April 20, 2013, is necessary to address parties' negotiations.

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 of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

Assignment of Proceeding

Mark J. Ferron is the assigned Commissioner and Robert Barnett is the assigned ALJ and presiding officer in this proceeding.

Findings of Fact

1. This adjudicatory proceeding commenced on March 24, 2008.
2. D.11-11-013 extended the statutory deadline to April 20, 2012.
3. An extension for resolving this proceeding is required to April 20, 2013.

Conclusion of Law

Effective immediately, the statutory deadline imposed by Pub. Util. Code § 1701.2(d) should be extended to April 20, 2013.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is further extended until April 20, 2013.

This order is effective today.

Dated April 19, 2012, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners