



**FILED**

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

Jurupa Community Services District,

Complainant

vs.

Empire Water Company, LLP,

Defendant

**Case (C.) 09-03-024**

(Filed March 23, 2009)

**JOINT STATEMENT REGARDING TRIAL**

<b>COMPLAINANT</b>	<b>ATTORNEY FOR COMPLAINANT</b>
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<b>DEFENDANT</b>	<b>ATTORNEY FOR DEFENDANT</b>
Empire Water Company, LLP Attn: Peter Jensen, CEO 25 Orchard Lake Forest, CA 92630 Telephone (949) 215-1100 Telephone (619) 222-1493 Email: <a href="mailto:pljensen@empirewater.com">pljensen@empirewater.com</a>	Edward J. Casey (SBN 119571) Email: <a href="mailto:edward.casey@alston.com">edward.casey@alston.com</a> Tammy L. Jones (SBN 232693) Email: <a href="mailto:tammy.jones@alston.com">tammy.jones@alston.com</a> Alston & Bird, LLP 333 South Hope Street, Sixteenth Floor Los Angeles, CA 90071 Telephone (213) 576-1000

1 In anticipation of the hearing on the merits set for January 6-8, 2010; the parties, by and  
2 through their respective counsel, met and conferred on December 15, 2009. This Joint Statement  
3 reflects the agreement between the parties on December 15 and responds to the email  
4 correspondence received by the Administrative Law Judge (“ALJ”) on December 16, 2009  
5 regarding preparation and presentation of evidence for the January hearing.

6 Due to the relatively simple nature of this case, both Empire Water Company L.L.P.  
7 (“Empire”) and Jurupa Community Services District (“District”) feel this matter is best decided  
8 on the extensive pleadings that have been filed to date, on the prepared opening arguments that  
9 counsel for Empire and for the District will provide at the hearing, and on counsel’s responses to  
10 any questions that the ALJ may have. The documentary evidence proffered by the parties as of  
11 December 15 is not subject to dispute and the parties will stipulate to the validity of all such  
12 evidence. Accordingly, the parties agree that neither side will call live witnesses at the January 6  
13 hearing. In the event the ALJ would like one or more representatives of either or both entities to  
14 testify as to the facts of this case, the parties can make those individuals available; however, the  
15 parties respectfully request that advance notice be provided in order to properly prepare the  
16 witnesses. Finally, because the parties anticipate the hearing to be relatively straightforward, both  
17 Empire and the District request that the ALJ limit the length of the hearing to one day, January 6,  
18 2010.

19 Respectfully submitted,

20  
21 Dated: December 17, 2009

Burke, Williams & Sorensen, LLP

22  
23 By:   
24 Julie Hayward Biggs  
25 Gregory M. Murphy  
26 Attorneys for Complainant  
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Dated: December 16, 2009

Alston & Bird, LLP

By: 

Edward J. Casey  
Tammy L. Jones  
Attorneys for Defendant

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over  
4 the age of 18 years and not a party to the within action; my business address is  
5 Burke, Williams & Sorensen, LLP, 444 South Flower Street, Suite 2400, Los  
6 Angeles, California 90071-2953.

7 On December 17, 2009, I served the following document(s) described as  
8 **Joint Statement Regarding Trial** on the interested party(ies) in this action as  
9 follows:

10 by placing true copies thereof enclosed in a sealed envelope addressed stated  
11 on the attached service list.

12  **BY MAIL:** I am "readily familiar" with the firm's practice of collecting and  
13 processing correspondence for mailing with the United States Postal Service.  
14 Under that practice, it would be deposited with the United States Postal  
15 Service that same day in the ordinary course of business. Such envelope was  
16 placed for collection and mailing with postage thereon fully prepaid at Los  
17 Angeles, California, on that same day following ordinary business practices.

18  **BY FACSIMILE:** At approximately \_\_\_\_\_, I caused said document(s) to be  
19 transmitted by facsimile. The telephone number of the sending facsimile  
20 machine was (213) 236-2700. The name(s) and facsimile machine telephone  
21 number(s) of the person(s) served are set forth in the service list. The  
22 document was transmitted by facsimile transmission, and the sending  
23 facsimile machine properly issued a transmission report confirming that the  
24 transmission was complete and without error.

25 **BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or  
26 other facility regularly maintained by the overnight service carrier, or  
27 delivered such document(s) to a courier or driver authorized by to receive  
28 documents, in an envelope or package designated by the overnight service  
carrier with delivery fees paid or provided for, addressed to the person(s)  
served hereunder.

**BY ELECTRONIC SERVICE** of the document(s) through the Court's  
transmission facilities.

I declare under penalty of perjury under the laws of the United States of  
America and the State of California that the above is true and correct. I declare that  
I  am employed in the office of a member of the bar of this court at whose  
direction the service was made;  served the above document(s) at the direction of  
a member of the bar of this court.

Executed on December 17, 2009, at Los Angeles, California.

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27 \_\_\_\_\_  
28 Alexandra Sainz

1 SERVICE LIST

2 *Jurupa Community Services District v. Empire Water Company, LLP.*  
3 PUC Case No: C.09-03-024

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