

Decision **DRAFT DECISION OF ALJ BARNETT** (Mailed 9/12/2005)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Jack Miller,

Complainant,

Case 05-06-010
(Filed June 2, 2005)

vs.

California Water Service Company,

Defendant.

Jack Miller for Complainant.
Lynne P. McGhee for Defendant.

OPINION DISMISSING COMPLAINT

In Decision (D.) 04-03-040, we authorized a general rate increase of \$197,000 for the Redwood Valley District of the California Water Service Company (Cal Water). We denied rehearing on June 9, 2004 in D.04-06-021.

Complainant, joined by over 100 consumers, is a customer of Cal Water in the Armstrong Valley Division of the Redwood Valley District. He alleges in his complaint that the rates authorized in D.04-03-040 for the Armstrong Valley Division are unreasonably high and discriminatory.

On August 8, 2005, Cal Water filed Application (A.) 05-08-013 to raise rates in the Redwood Valley District. Cal Water moves to dismiss this complaint on the ground that A.05-08-013 is the appropriate vehicle in which to consider rate

design and complainant's assertions. We agree. We will dismiss this complaint. Complainant may appear in A.05-08-013 where his issues will be considered by the Commission.

Categorization and Need for Hearing

This complaint was categorized as ratesetting and determined that a hearing was necessary. Due to the development at the prehearing conference, there is a need to change the hearing determination from "yes" to "no." No hearing is necessary.

Comments on Draft Decision

The draft decision of the Administrative Law Judge (ALJ) in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____.

Assignment of Proceeding

Geoffrey F. Brown is the Assigned Commissioner and Robert Barnett is the assigned ALJ in this proceeding.

O R D E R

IT IS ORDERED that:

1. The complaint is dismissed.
2. Hearing is not necessary.
3. This proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.