

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Sierra City Fire District,

Complainant,

vs.

R. R. Lewis Small Water Company,

Defendant.

Case 04-06-012
(Filed June 8, 2004)

OPINION ADOPTING SETTLEMENT

The mediated written settlement agreement reached by the parties in this proceeding regarding the maintenance and testing of fire hydrants within the defendant’s service area is adopted. Upon the written request of complainant, the other matters in this case are withdrawn and dismissed without prejudice. This proceeding is closed.

Background

In this complaint, the Sierra City Fire District (complainant) alleged the R.R. Lewis Small Water Company (defendant) did not adequately maintain and test its water system. Among other issues, the complaint raised concerns regarding the operation, maintenance and flushing of fire hydrants within the service area. A telephonic prehearing conference (PHC) was held on August 24, 2004 to determine if an evidentiary hearing would be necessary. During the

PHC, both parties agreed to attempt a resolution of this complaint through mediation before proceeding to an evidentiary hearing.

Mediation

Administrative Law Judge (ALJ) Peter Allen was assigned as the mediator in this case. ALJ Allen held three mediation sessions with the parties (on December 2, 2004, February 3, 2005, and March 3, 2005). As a result of mediation, the parties entered into a signed written agreement regarding the testing, maintenance and flushing of fire hydrants within the service area. The agreement, dated March 18, 2005, is unopposed, provides for a reasonable outcome on the matters contained therein and does not conflict with defendant's current tariffs or rules. A copy of the agreement is included in Attachment A.

The complainant, by letter dated March 18, 2005, requested the remaining issues in this complaint be withdrawn and dismissed without prejudice. A copy of this letter will be kept in the correspondence file for this proceeding.

We will adopt the written settlement agreement regarding hydrant maintenance and testing, dismiss the remaining issues without prejudice and close the proceeding.

Procedural Matters

This proceeding was preliminarily categorized as adjudicatory and requiring a hearing. We conclude that the proceeding is properly categorized. Considering the settlement agreement described herein and the complainant's request for dismissal of the remaining issues, we conclude that a public hearing is not necessary.

Waiver of Comment Period

This is an uncontested matter, where the decision grants the relief requested by adopting the settlement between the parties. Accordingly, as provided by Pub. Util. Code § 311(g)(2) and Rule 77.7(f)(2) of the Rules of Practice and Procedure, we waive the otherwise applicable 30-day comment period.

Assignment of Proceeding

Geoffrey F. Brown is the Assigned Commissioner and Kenneth L. Koss is the assigned ALJ in this proceeding.

Findings of Fact

1. A PHC in this case was held on August 24, 2004.
2. During the PHC, both parties requested the issues be mediated before evidentiary hearings were scheduled.
3. Mediation sessions were held on December 2, 2004, February 3, 2005, and March 3, 2005, with a Commission ALJ as mediator.
4. The parties reached settlement on the issues of maintenance, testing and flushing of fire hydrants within the defendant's service area.
5. A written settlement agreement, dated March 18, 2005, is signed by both parties to this proceeding.
6. The agreement is unopposed, and is not in conflict with defendant's current tariffs or rules.
7. By letter dated March 18, 2005, the defendant requested all remaining issues in this case be withdrawn, without prejudice.

Conclusions of Law

1. The written settlement agreement of the parties in this proceeding regarding fire hydrant maintenance and testing is reasonable, consistent with law and the public interest, and should be adopted.
2. The remaining issues in the complaint should be dismissed, without prejudice.
3. This proceeding should be closed, effective immediately.

O R D E R

IT IS ORDERED that:

1. The written mediated settlement agreement in this case regarding maintenance and testing of fire hydrants is adopted and attached to this decision as Attachment A.
2. The remaining issues in this case are dismissed, without prejudice.
3. No hearings are necessary.
4. This proceeding is closed.

This order is effective today

Dated _____, at San Francisco, California.