

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Juan Duque and Maria Duque,

Complainants,

vs.

Charles E. Haynes and Alpine Springs Mobile Park,

Defendants.

Case 06-08-033
(Filed August 23, 2006)

And Related Matters.

Case 06-08-034
Case 06-08-035
Case 06-08-036
Case 06-08-037

ORDER EXTENDING STATUTORY DEADLINE

Summary

Public Utilities Code Section 1701.2, subdivision (d), provides that adjudicatory cases must be resolved within 12 months of the date they are initiated, unless the Commission makes findings why that deadline cannot be met and issues an order extending the deadline. In this proceeding, the 12-month deadline was August 23, 2007.

This matter involves five complaints filed by tenants of defendant Alpine Springs Mobile Park concerning their water service, which is provided by the defendant. All of these complaints were originally categorized as adjudicatory proceedings.

By ruling dated November 22, 2006, the individual complaints were consolidated and recalendared under the Commission's procedure for matters arising under Public Utilities Code Section 2705.6. That statute invokes the Commission's jurisdiction to determine whether a mobile home park's water rates are just and reasonable, and whether water services are adequate, in the circumstances presented here. In addition, because some of the complainants are Spanish speakers, the ruling also required all future rulings, decisions, and orders to be translated into Spanish and filed concurrently with the English versions.

Although the categorization of this matter was not changed after the complaints were transmuted under Section 2705.6, this proceeding essentially involves the resolution of general rate case issues. In effect, the proceeding became as complicated as a ratesetting matter. This not only increased the complexity of the proceeding, but required additional time for the preparation of a staff report analyzing the defendant's rates charged service. The preparation and translation of this report required postponement of the evidentiary hearing for several months. The necessity of translating the presiding officer's decision will also require additional time. In Decision 07-07-030, the Commission extended the initial deadline until October 22, 2007.

Preparation and translation of the presiding officer's decision will not be possible by the current deadline, October 22, 2007. Consequently, it is not reasonably feasible for the Commission to resolve this case by that date. Therefore, an additional extension of the 12-month deadline is necessary.

Waiver of Comments

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

John A. Bohn is the assigned Commissioner and Victor D. Ryerson is the assigned ALJ in this proceeding.

Findings of Fact

1. This adjudicatory matter was initiated by the filing of five separate complaints on August 23, 2006.
2. This is a proceeding that was transmuted into a Section 2705.6 proceeding in which general rate case questions must be analyzed, even though the proceeding has retained its adjudicatory categorization. It requires the Commission to determine whether services and rates of the defendant are unreasonable and/or unjust.
3. The decision in this matter must be translated from English into Spanish, and must be issued in both languages, requiring extra processing time.
4. It is not reasonably feasible to resolve this case by October 22, 2007.

Conclusion of Law

The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2, subdivision (d), should be extended for an additional reasonable period by reason of the matters set forth in Findings of Fact 2 through 3.

IT IS ORDERED that the 12-month statutory deadline for resolving this proceeding is extended 60 days to December 21, 2007.

This order is effective today.

Dated _____, at San Francisco, California.