

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application of California-American Water Company (U-210-W), a California corporation, RWE Aktiengesellschaft, a corporation organized under the laws of the Federal Republic of Germany, Thames Water Aqua Holdings GmbH, a corporation organized under the laws of the Federal Republic of Germany, Thames Water Plc, a corporation organized under the laws of the United Kingdom and Wales, and Apollo Acquisition Company, a Delaware Corporation, for an order Authorizing Apollo Acquisition Company to merge with and into American Water Works Company, Inc. resulting in a change of control of California-American Water Company, and for such related relief as may be necessary to effectuate such transaction.

Application 02-01-036
(Filed January 28, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING REQUEST TO INTERVENE
AND GRANTING REQUEST FOR OFFICIAL NOTICE**

This ruling denies the motion to intervene by the County of Santa Cruz and the Board of Supervisors of the County of Santa Cruz (Santa Cruz). It also grants applicants' request for official notice.

Motion to Intervene

On October 4, 2002, Santa Cruz filed a motion to intervene in this proceeding. Santa Cruz states it only recently became aware of these proceedings because the application was not served on its county counsel, and is

interested in service quality and rates charged for water service to residents in Felton, California, which is presently served by one of the applicants, California-American Water Company. Santa Cruz seeks to intervene to file a reply brief to comment on Montara Sanitary District's reply brief.

Applicants oppose the motion, arguing that Santa Cruz' motion is untimely. Applicants state that Santa Cruz was served with the application on January 28, 2001, and thus has had notice of this matter for some time. Moreover, according to applicants, the issues Santa Cruz wishes to address can be addressed in Cal-Am's pending Felton District general rate case (Application 02-09-032.)

We deny the motion to intervene as untimely. Applicants served this application, *inter alia*, upon the Santa Cruz County Clerk and the District Attorney. The Commission's Rules do not set forth specific requirements for service of an application under Pub. Util. Code § 854. However, service upon the public entity's clerk is valid in civil proceedings. (See California Code of Civil Procedure § 416.50.) In this application, lengthy hearings concluded in early August, opening and reply briefs have been filed, and as of September 20, 2002, the proceeding had been submitted. I then requested that only the settling parties comment on one issue raised by Montara Sanitary District's reply brief no later than October 7. Santa Cruz does not sufficiently justify its delay in filing this motion. However, in order for the Commission to be aware of Santa Cruz' comments in this matter, the Commission's Docket Office should place Santa Cruz' tendered October 17, 2002 Brief in Support of Reply Brief of Montara Sanitary District in the correspondence file for this proceeding. Thus, the document shall be available for review but not a part of the formal record.

Janet A. Econome
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge’s Ruling Denying Request to Intervene and Granting Request for Official Notice on all parties of record in this proceeding or their attorneys of record.

Dated November 14, 2002, at San Francisco, California.

/s/ JEANNIE CHANG
Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission’s policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

