

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ronald Swepston,

Complainant,

vs.

California-American Water Company,

Defendant.

Case 04-07-029
(Filed July 12, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
DIRECTING FURTHER RESPONSES**

Ronald Swepston (Complainant) filed this complaint against California-American Water Company (Cal-Am) seeking a refund of all payments made to Cal-Am when it established water service to Complainant's home in Isleton, California.

Cal-Am has filed an answer to the complaint, setting forth in chronological order the changes made in the requested water service and the number of billing disputes that occurred between August 5, 2003, and June 15, 2004. Cal-Am represents that it received final payment for its work on June 15, 2004, and that water service that had been discontinued was restored on that date.

Under Section 1702 of the Public Utilities Code, the Commission has jurisdiction to deal with a complaint by an individual against a public utility if the complaint sets forth "any act or thing done or omitted to be done by any public utility... in violation or claimed to be in violation, of any provision of law

or of any order or rule of the commission.” As a general rule, the Commission does not adjudicate contract disputes between a consumer and a utility. Since the Commission has no jurisdiction to award damages, the courts have held that complaints alleging breach of contract should be brought in civil courts.

(See, Crystal River Oil and Gas v. Pacific Gas & Electric Co., Decision 00-10-005; see also, Hempy v. Public Utilities Commission (1961) 56 Cal.2d 214.)

The issues in dispute in this complaint are not altogether clear. For that reason, this ruling directs Complainant to respond in writing to the following questions:

- (1) Please state any specific disagreement you have with the statements in Cal-Am’s Answer dated August 26, 2004. Attach documentation, if any, that you believe supports your position.
- (2) Please state the act or thing done or omitted to be done by Cal-Am that you believe to be in violation of any provision of law or of any order or rule of the commission. Specifically identify the law, order or rule that you believe is in issue.
- (3) Please state whether you believe that Cal-Am is in breach of its contract with you. If so, please identify the contract that you believe has been breached.

Complainant is directed to respond to these questions, in writing, within 30 days of the date of this ruling. The statement should be sent to the undersigned Administrative Law Judge (ALJ) and to Cal-Am. The statement need not be formally filed with the Commission.

Within 15 days of its receipt of Complainant’s statement, Cal-Am is directed to file a response to Complainant’s statement, with a copy to the ALJ and to Complainant. The response need not be formally filed with the Commission.

IT IS RULED that:

1. Complainant is directed within 30 days of the date of this ruling to respond in writing to the questions set forth above.
2. California-American Water Company is directed to respond to Complainant's statement within 15 days of receipt.

Dated August 31, 2004, at San Francisco, California.

s/ GLEN WALKER
Glen Walker
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 Directing Further Responses on all parties of record in this proceeding or their attorneys of record.

Dated August 31, 2004, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

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 ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.