



COM/KDL/nd3/asf 7/12/2024

FILED

07/12/24

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

11:03 AM

C2311019

John Wyland,

Complainant,

vs.

5225 Adams LLC (20121097873) d/b/a
Waters Edge Trailer Park; and David
W Webster & Joyce E Webster Joint Living
Trust C/O Jodie Goodman d/b/a Waters
Edge Trailer Park,

Defendants.

Case 23-11-019

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

This Scoping Memo and Ruling (Scoping Memo) sets forth the category, issues to be addressed, need for hearing, and schedule of the proceeding pursuant to Public Utilities (Pub. Util.) Code Section 1701.1 and Article 7 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure (Rules).

1. Background

On November 28, 2023, John Wyland (Complainant) filed this Complaint against 5225 Adams LLC d/b/a Waters Edge Trailer Park. The agent for 5225 Adams LLC is Jason Hwang (Mr. Hwang or Defendant). The complaint generally alleges that Defendant violated Complainant's rights under Pub. Util. Code Section 739.5(e) by failing to provide opening and closing meter readings,

the utility rate schedule, and the appropriate electricity credit on each monthly billing statement for the electricity Defendant sub-meters to Complainant.

A status conference was held on April 22, 2024 to discuss Defendant's failure to file the required Answer to the Complaint. On April 22, 2024, an Administrative Law Judge's (ALJ) ruling was issued granting Defendant an extension to file the Answer.

On May 22, 2024, Mr. Hwang emailed an Answer to the Complaint. The Answer was not properly served nor tendered for filing on the proceeding docket. On June 17, 2024, an ALJ Ruling Setting the Prehearing Conference was issued, which attached Defendant's Answer, previously emailed to the ALJ. In the Answer, Defendant asserts that Complainant has not fully paid all of the invoiced utility bills and that Defendant has not overcharged Complainant for his energy usage. Defendant further objects to reimbursement sought by Complainant, of utility payments previously made by Complainant.

On May 28, 2024, a Presiding Officer's Decision was issued dismissing Defendant David W. Webster & Joyce E. Webster Joint Living Trust c/o Jodie Goodman from this proceeding.

A prehearing conference (PHC) was held on June 28, 2024 to discuss the scope of issues, schedule, and other procedural issues.

2. Scope

This proceeding will address the following issues:

- (1) Did Defendant violate Pub. Util. Code Section 739.5(e) by failing to provide the opening and closing meter readings, the utility rate schedule, and the appropriate electricity credit on each monthly billing statement for January 2023 - November 2023 (Disputed Period) for the electricity Defendant sub-meters for Complainant?

- a. In addition, was the California Alternate Rates for Energy (CARE) discount properly applied to each of the monthly billing statements during the Disputed Period? If not, why was it not applied?
- (2) Is Complainant entitled to any reimbursement for previous electric payments that Complainant made for billing statements where Defendant did not provide the opening and closing meter readings, the utility rate schedule and the appropriate electricity credit on the billing statement to justify the electric charge?
- (3) If the answer to Number 2 above is yes, please identify which monthly billing statements Complainant made electric payments to Defendant during the Disputed Period and determine exactly what, if any, reimbursement is due to Complainant from Defendant.

3. Comments to the Scoping Memo

After the conclusion of discovery, parties shall file written responses to the Scope of Issues outlined in Section 2 above. In addition to the questions in Section 2, each party must respond as to whether a hearing or additional briefing is necessary to address the above issues, and the reason for additional briefing or a hearing.

Based on these written comments and reply comments to the Scoping Memo questions, a proposed decision may be issued. At the discretion of the Presiding Officer, further briefing or a hearing may be scheduled following the submission of comments to the Scoping Memo.

4. Schedule

The following schedule is adopted and may be modified by the ALJ or assigned Commissioner as required to promote the efficient and fair resolution of the Complaint.

EVENT	DATE
Deadline to Complete Discovery	July 29, 2024
Parties to File and Serve Comments on the Section 2 Scoping Memo Questions	August 16, 2024
Parties to File and Serve Reply Comments on the Section 2 Scoping Memo Questions	September 6, 2024
Evidentiary Hearing	To Be Determined After Submission of Reply Comments on the Scoping Memo

This proceeding will be submitted upon the filing of reply comments, unless the assigned ALJ requires further argument or a hearing. Based on this schedule, the proceeding will be resolved within 12 months from the issuance of this Scoping Memo as required by Pub. Util. Code Section 1701.2(i).

5. Categorization of Proceeding and Ex Parte Restrictions

The Commission determined in the Instructions to Answer, issued on January 19, 2024, that the category of the proceeding is adjudicatory. This Scoping Memo confirms the categorization. Accordingly, *ex parte* communications are prohibited pursuant to Pub. Util. Code Section 1701.2(c) and Article 8 of the Commission's Rules of Practice and Procedure.

6. Need for Evidentiary Hearing

The Commission preliminary determined in the Instructions to Answer that hearings are necessary. At the PHC, Complainant stated that hearings are necessary, while Defendant stated that hearings are not necessary. At this time, a hearing is not scheduled but to err on the side of caution, I determine that a hearing is needed. The need for hearing will be revisited after the filing of reply

comments to the Scoping Memo questions to determine what material issues remain in dispute requiring evidentiary hearing.

7. Discovery

Discovery may be conducted by the parties consistent with Article 10 of the Commission's Rules of Practice and Procedure. Any party issuing or responding to a discovery request shall serve a copy of the request or response simultaneously on all parties. Electronic service under Rule 1.10 is sufficient, except Rule 1.10(e) does not apply to the service of discovery and discovery shall not be served on the ALJ. Deadlines for responses may be determined by the parties.

8. Response to Public Comments

Parties may, but are not required to, respond to written comments received from the public. Parties may do so by posting such a response using the "Add Public Comment" button on the "Public Comment" tab of the online docket card for the proceeding.

9. Public Advisor

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao/> or contact the Commission's Public Advisor at 866-849-8390 or 415-703-2074 or 866-836-7825 (TYT), or send an email to public.advisor@cpuc.ca.gov.

10. Filing, Service, and Service List

The official service list has been created and is on the Commission's website. Parties should confirm that their information on the service list is correct and serve notice of any errors on the Commission's Process office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.

When serving any document, each party must ensure that it is using the current official service list on the Commission's website.

This proceeding will follow the electronic service protocol set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail whenever possible, transmitted no later than 5:00 p.m. on the date scheduled for service to occur. When serving documents on the ALJ, Commissioner, or their personal advisors, whether or not they are on the official service list, parties must only provide electronic service. Parties must not send hard copies of documents to Commissioners, their personal advisors, or the ALJ unless specifically instructed to do so.

11. Settlement and Alternative Dispute Resolution

The Commission's Alternative Dispute Resolution (ADR) program offers mediation, facilitation, or early neutral evaluation. The use of ADR services is voluntary, confidential, and at no cost to the parties. Trained ALJs serve as neutrals. The parties are encouraged to visit the Commissioner's ADR webpage at <http://www.cpuc.ca.gov/adr>, for more information.

If requested, the assigned ALJ will refer this proceeding to the Commission's ADR Coordinator. Alternatively, the parties may contact the ADR Coordinator directly at adr_program@cpuc.ca.gov. The parties will be notified as soon as a neutral has been assigned; thereafter, the neutral will contact the parties to make pertinent scheduling and process arrangements. Alternatively, and at their own expense, the parties may agree to use outside ADR services.

12. Receiving Electronic Service from the Commission

Parties and other persons on the service list are advised that it is the responsibility of each person or entity on the service list for Commission proceedings to ensure their ability to receive emails from the Commission.

Please add “@cpuc.ca.gov” to your email safe sender list and update your email screening practices, settings and filters to ensure receipt of emails from the Commission.

13. Assignment of Proceeding

Karen Douglas is the assigned Commissioner and Debbie Chiv is the Presiding Officer for the proceeding.

IT IS RULED that:

1. The scope and schedule of this proceeding are set forth in Section 2 and Section 4 above and are adopted.
2. Evidentiary hearings are needed but not scheduled at this time.
3. Administrative Law Judge Debbie Chiv is the Presiding Officer in this proceeding.
4. The category of the proceeding is adjudicatory.
5. *Ex parte* communications are prohibited in this proceeding.

Dated July 12, 2024, at San Francisco, California.

/s/ KAREN DOUGLAS
Karen Douglas
Assigned Commissioner