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**Subject:** I.25-08-007 CPED Objection to Havasu's Oral Motion for Stay  
**Date:** Tuesday, September 30, 2025 10:09:30 PM  
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**FILED**  
10/03/25  
11:50 AM  
I2508007

Dear ALJ LeQuang:

Pursuant to Rule 11.1(e) of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), the Consumer Protection and Enforcement Division (CPED) respectfully requests the opportunity to respond to the oral motion for a stay of the Commission's Order Instituting Investigation (OII or I.) 25-08-007 that was made by counsel for Havasu Water Company (HWC) during the prehearing conference (PHC) for I.25-08-007 today, September 30, 2025.

HWC's motion is without merit and should be denied.

As an initial matter, it is unclear whether HWC is requesting a stay of the proceeding or a further extension of the schedule, as counsel for HWC did not, as required by Rule 11.1(d), "concisely state the facts and law supporting the motion and the specific relief or ruling requested." In any event, HWC has not demonstrated that either a stay or an extension is warranted.

The apparent basis for HWC's motion is its erroneous claim that the expiration of HWC's easement is an unresolved issue which warrants a stay or delay of this OII.

HWC is wrong.

The expiration of the easement was decided by the federal district court in a summary judgment ruling in the Tribe's favor. *Chemehuevi Indian Tribe v. Havasu Water Co. et al.*, No. EDCV 20-471-GW-KKx, at 23 (C.D. Cal. July 28, 2022). The ruling provides:

The Court is inclined at this point to conclude that the undisputed facts indicate both that (1) the 1985 Decision was not a proper extension under the terms of the 1976 Easement because it complied neither with the terms of the 1976 Agreement nor federal law, 25 U.S.C. §§ 323-325, by failing to noticing the United States and the Tribe of the consideration for the extension and (2) even if there were any facts to indicate that the federal government or the Tribe was noticed prior to the 1985 Decision, the CPUC has since recognized twice that the 1976 Easement expired at the end of the original term on June 22, 2006. (*Chemehuevi Indian Tribe v. Havasu Water Co. et al.*, No. EDCV 20-471-GW-

KKx, at 18 (C.D. Cal July 28, 2022).)

Commission Resolution (Res.) W-5274, issued on July 1, 2024, reiterates that the easement expiration issue has been resolved:

In Res. W-5059, adopted on September 17, 2015, the Commission acknowledged and affirmed that the easement expired by its terms in 2006. Moreover, in Res. W-5250, adopted on January 27, 2022, the Commission affirmed Res. W-5059, again concluding that the easement expired by its terms in 2006 and that the 1985 Decision was superseded by Res. W-5059. HWC never sought rehearing of either resolution. (Res. W-5274, at 6-7.)

HWC did not seek rehearing of Res. W-5274.

The upcoming trial in federal court is for the determination of damages caused by the ongoing trespass on CIT land of HWC facilities since the expiration of the easement. The issue of damages does not need to be resolved before this OII can go forward.

For the foregoing reasons, HWC's motion should be denied.

Please inform whether this response to the oral motion should be tendered for formal filing with the Commission's docket office.

Respectfully submitted,

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